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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**APPEAL FROM ORDER NO.25 OF 2017
WITH
CIVIL APPLICATION NO.30 OF 2017**

Indrabahadur Jagannath
Singh

... Appellant

V/s.

Municipal Corporation of
Greater Mumbai

... Respondent

Mr. Akash A. Singh i/by Ashok M. Saraogi, for the
Appellant.

Mrs. Madhuri More, for respondent Corporation.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 22nd JANUARY, 2019.

P.C. :

1] Heard learned counsel for the appellant and respondent.

2] This appeal is preferred against the order dated 9.12.2016, passed by the City Civil Court, Mumbai, thereby refusing ad-interim relief in Draft Notice of Motion in L.C. Suit No.2828 of 2016.

3] The said Notice of Motion was preferred by the appellant for restraining respondent Municipal Corporation from acting upon the Notice issued under Section 354A of the Mumbai Municipal Corporation Act, on 2.5.2014 and the consequent order passed

thereunder on 19.5.2014.

4] Notice was pertaining to unauthorized construction consisting of ground plus first floor. As per the order passed by the trial Court, earlier also the appellant preferred such Notice of Motion in S.C.Suit No.1489 of 2014 in which ad-interim relief was rejected in Appeal preferred against the said order, this Court has confirmed the rejection of the ad-interim. Thereafter it is submitted by learned counsel for respondent that the suit structure has already been demolished.

5] In view thereof, the trial Court was justified in rejection of ad-interim relief.

6] In Appeal from order, against such discretionary order, no interference is warranted, therefore, Appeal stands dismissed.

7] In view of dismissal of Appeal itself, pending Civil Application therein stands dismissed.

[DR.SHALINI PHANSALKAR-JOSHI, J.]