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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL(STAMP) NO.28623 OF 2019
WITH
INTERIM APPLICATION NO.1 OF 2019

Dinesh T. Patel	...Appellant / Appellant
V/s. Municipal Corporation of Greater Mumbai	...Respondent

Ms.Priti S. Shah for the Appellant.
Ms.Sheetal Mane - Tadke for the M.C.G.M. - Respondent.
Mr.B.S. Kulkarni, Assistant Engineer (B & F) H/West Ward present.

CORAM : R.D. DHANUKA, J.
DATE : 20TH JANUARY, 2020.

P.C. :-

1. The papers are allowed to be produced at 3.00 p.m.
2. Learned counsel appearing for the respondent on instructions states that the Designated Officer of H/West Ward will pass appropriate order after hearing the appellant in the notice dated 22nd February, 2011 issued under section 55 of the M.R.T.P. Act described in prayer clause (a) of the plaint within four weeks from the date of conclusion of the hearing. Statement is accepted. The appellant is directed to appear before the Designated Officer H/West Ward and is at liberty to produce all relevant documents in response to the notice dated 22nd February, 2011. The appellant is directed to appear before the Designated Officer H/West Ward on 28th January, 2020 at 3.00 p.m. The Designated Officer shall pass a speaking order and shall communicate the said order within one

week from the date of passing of the said order.

3. It is made clear that the Designated Officer shall not be influenced by the findings recorded and the conclusion drawn by the learned Trial Court in the impugned judgment dated 9th September, 2019 in L.C. Suit No.999 of 2011 and shall pass an order in accordance with law and on its own merit.

4. The respondent shall not act upon the said notice dated 22nd February, 2011 issued under section 55 of the M.R.T.P. Act till the order is passed on such notice and for a period of two weeks from the date of communication of the said order if the same is adverse against the appellant.

5. The first appeal is disposed of on aforesaid terms. There shall be no order as to costs.

6. Interim Application No.1 of 2019 and all other pending interim applications, if any, stand disposed of in view of disposal of the first appeal.

7. All parties as well as the Designated Officer to act on the authenticated copy of this order.

(R.D. DHANUKA, J.)