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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1 OF 2019
IN
FIRST APPEAL NO.627 OF 2012
WITH
CIVIL APPLICATION NO.1367 OF 2012

The Municipal Corporation of Gr.Bombay ...Applicant

IN THE MATTER BETWEEN :

Suresh V. Tadge ...Appellant
V/s.

The Municipal Corporation of Gr.Bombay ...Respondent

Mr.Mangesh Bansod i/b Law Loyals for the Appellant.

Mr.Jokhim Reis, Senior Counsel with Mrs.Sheetal Mane Tadke for
the M.C.G.M. - Respondent.

CORAM : R.D. DHANUKA, J.
DATE : 11TH FEBRUARY, 2020.

P.C. :-

1. By this interim application, the applicant prays for vacating the ad-interim order passed by this Court and to permit the applicant to demolish the suit structure.

2. It is the case of the applicant that the applicant had issued a notice under section 55 of the Maharashtra Regional & Town Planning Act, 1966 to the occupants of the suit structure for demolition of the suit structure. The suit structure is in the corner of the plot having two buildings which are in dilapidated condition. The applicant has issued a notice under section 354 of the Mumbai

Municipal Corporation Act to the occupants of the building known as “Jayant Villa” Out of the two buildings, one building is already demolished. The other building is required to be demolished as per the advice of the Technical Advisory Committee.

3. Mr.Reis, learned senior counsel for the applicant states that the applicant is not able to demolish the second building as the demolition may cause damage to the suit structure in respect of which ad-interim protection which is granted by this Court.

4. The respondent (original plaintiff) on instructions from the wife of the respondent no.1, who has been instructed to make such statement submits that if the applicant demolishes the adjoining building and if any untoward incident takes place while carrying out the demolition work of the building adjoining to the suit structure, they will not held Municipal Corporation responsible. Statement is accepted. The *ad-interim* order passed in the interim application by this Court is accordingly modified to this extent.

5. The interim application is disposed of in aforesaid terms. There shall be no order as to costs.

6. All parties to act on the authenticated copy of this order.

7. Place the First Appeal on board for admission on 24th February, 2020.

(R.D. DHANUKA, J.)