

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 248 OF 2021

WITH

CIVIL APPLICATION NO. 09 OF 2021

Chhotelal Chunilal Yadav

... Appellant

V/s.

Municipal Corporation for Gr. Mumbai & Anr.

... Respondents

WITH

CIVIL APPLICATION NO. 10 OF 2021

IN

APPEAL FROM ORDER NO. 248 OF 2021

Ashirwad Nice Developers

... Applicant

In the matter between :-

Chhotelal Chunilal Yadav

... Appellant

V/s.

Municipal Corporation for Gr. Mumbai & Anr.

... Respondents

Mr.R.D. Soni a/w. Mr.J.G. Damani for Appellant/Applicant in AO/248/2021 & CAA/09/2021.

Mr.Rakesh Agrawal for Applicant in CAA/10/2021.

Mr.Rajesh Patil a/w. Mrs.Madhuri More for Respondents-BMC.

CORAM : A.S. GADKARI, J.

DATE : 27th September 2021.

PC. :

1. Mr.Soni, learned counsel for the Appellant submitted that, the Appellant intends to file an application for regularization of the suit structure

mentioned in Notice dated 22nd February 2019 issued by the Competent Authority (page 59 to the Appeal).

2. Mr.Patil, learned counsel for the Respondent-Corporation submitted that, such an application itself is not maintainable.

3. May that as it may.

If such an application for regularisation of suit structure is made by the Appellant within a period of two weeks from today, the Respondent-Corporation is directed to decide the same on its own merits and as per the provisions of law, within a further period of two weeks therefrom.

4. For a period of four weeks from today, ad-interim relief granted by Order dated 6th June 2019 to remain in force.

It is however made clear that, in case the Corporation rejects the said application of the Appellant, the Appellant shall not claim equity in the matter.

5. Appeal is disposed off in the aforesaid terms.

6. In view of disposal of Appeal, Civil Application No.09 of 2021 and Civil Application No.10 of 2021 do not survive and are accordingly disposed off.

[A.S. GADKARI, J.]