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

**CIVIL APPLICATION NO. 569 OF 2017
IN
FIRST APPEAL (ST) NO. 29571 OF 2016**

Municipal Corporation of Greater Mumbai ... Applicant
Vs.
Mrs. Neeta Bharat Patel ... Respondent

.....
Mrs. Shilpa Redkar i/b. Mr. Nasir Ali Shaikh for the Applicant.

.....
CORAM: MADHAV J. JAMDAR, J.

DATE : 23rd DECEMBER, 2021.

P. C. :-

1. Heard Ms. Shilpa Redkar for the Applicant. None appears for the Respondent although served.

2. This civil application is seeking stay of the judgment and decree dated 11th June, 2014 passed by the learned Judge, City Civil Court at Dindoshi, Mumbai, in the L. C. Suit No. 1156 of 2009. The suit is decreed in the following terms:

ORDER

- 1) Suit of the plaintiff is hereby decreed.
- 2) The impugned notice dated 16th February, 2009 under section 351 of MMC Act and order dated 7th May, 2009 passed thereon by Assistant Commissioner,

Sonali

P/South Ward and notice under section 488 of MMC Act dated 29.5.2009 are hereby declared as bad in law, illegal and not binding upon plaintiff.

3) Defendants MMC or anybody on their behalf are permanently restrained from enforcing the aforesaid notices and order dated against the suit premises.

4) Parties to bear their own cost.

5) Decree be drawn up accordingly.

3. The said decree is in operation from 11th June, 2014 till date. There is no case made out for granting stay to the decree. Thus, the civil application seeking stay of the impugned decree, is dismissed with no order as to costs.

(MADHAV J. JAMDAR, J.)