

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

**CIVIL APPLICATION NO. 789 OF 2017
IN
FIRST APPEAL (STAMP) NO. 29585 OF 2016**

Municipal Corporation of Greater Mumbai

...Applicant

Versus

Mr. Parshwanath Narendra Deorukhakar

...Respondent

Ms Shilpa Redkar for the Applicant-MCGM.
None for the Respondent.

CORAM : MADHAV J. JAMDAR, J.

DATE : 22nd DECEMBER, 2021

P.C. :

. 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. 1159 of 2009. The suit is decreed in the following terms:

ORDER

1) *Suit of the plaintiff is hereby decreed.*

2) *The impugned notice dated 31.1.2009 under section 351 of MMC Act and order dated 13.4.2009 passed thereon by AMC, 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.)