

Uday S. Jagtap

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 525 OF 2021
WITH
INTERIM APPLICATION NO. 4342 OF 2021
IN
APPEAL FROM ORDER NO. 525 OF 2021

M/s. Crafts Deflourescent,
Through Sole Proprietor
Mrs. K. Aruna D. Chhabria & Anr. .. Appellants

Vs.

Municipal Corporation of Greater
Mumbai, Through Asst. Commissioner .. Respondent

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Mr. Sharan Jagtiani, Senior Counsel a/w Mr. M. Khan,
Ms. Aradhana Bhansali, Mayur Shetty, Ms. Gitika Makhija,
Ms. Anjali Dhoot i/b Rajani Associates for the appellants

Mr. Om Suryavanshi for the respondent – MCGM

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 29th DECEMBER, 2021
(Vacation Court)

P.C.

1. Heard the learned Counsel for the parties.
2. By an order dated 24th December, 2021, the trial Court refused ad-interim relief to the appellant *inter alia* directing the respondent to file its reply.

3. Apprehension of the appellants is that in view of the impugned notice dated 4th September, 2020 under Section 299 of the Mumbai Municipal Corporation Act, 1888, the respondent – MCGM might demolish the structure of the appellants over the subject property and might take its physical possession, which is in total contravention of the object of Section 299 of the said Act.

4. On the other hand, learned Counsel for the respondent makes a statement across the bar that the respondent is going to acquire open land for a public purpose.

5. In that view of the matter, the appeal can be disposed of by passing following order :-

ORDER

(i) The parties shall appear before the City Civil Court on 6th January, 2022.

(ii) The learned trial Court shall after giving due opportunity to the respective parties, hear the Notice of Motion on its own merits and decide the same as expeditiously as possible within one week thereafter. Till then, the respondent shall not proceed further *qua* the subject property.

(iii) The appeal stands disposed of in the aforesaid terms.

(iv) In view of the disposal of the appeal, Interim Application No. 4342 of 2021 does not survive and the same is disposed of.

(PRITHVIRAJ K. CHAVAN, J.)