

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

WRIT PETITION NO. 5984 OF 2021

Rajesh R. Jadhav

...Petitioner

Versus

The Municipal Corporation of Greater
Mumbai & Anr.

...Respondents

Mr. S. P. Chavan, for the Petitioner.

Mr. Bharat Jain a/w. Mr. Abhishek Dubey, i/b. M/s. Economic Laws
Practice, for Respondent No.2.

CORAM : MADHAV J. JAMDAR, J.

DATED : 15th NOVEMBER 2022

P.C. :

1. Heard learned counsel for the Petitioner and learned counsel for Respondent No.2. Learned counsel for the Petitioner states that Respondent No.1-Municipal Corporation of Greater Mumbai has been served.

2. By the impugned order dated 18th December 2020, Notice of Motion No.1266 of 2018 was dismissed. The said Notice of Motion was taken out seeking to set aside order dated 20th January 2018 dismissing the L. C. Suit No.806 of 2009. In L.C. Suit No.806 of 2009, the Petitioner i.e. Plaintiff has *inter alia*

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challenged the notice dated 24th January 2009 issued under Section 351 of the Mumbai Municipal Corporation Act, 1888.

3. It is admitted position that after the dismissal of the suit on 20th January 2018, the suit structure was demolished in May 2018. The said Notice of Motion No.1266 of 2018 was filed on 22nd March 2018. However, as the suit structure itself has been demolished, no useful purpose will be served by setting aside the impugned order and restoring the suit.

4. In that view of the matter, the Writ Petition has become infructuous and is disposed of as such. However, it is clarified that the Petitioner is at liberty to file appropriate proceedings establishing his right, title and interest with respect to the suit structure.

5. All contentions of both the parties are expressly kept open.

[MADHAV J. JAMDAR, J.]