

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

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**APPEAL FROM ORDER No. 268 OF 2017
WITH
CIVIL APPLICATION No. 352 OF 2017
IN
APPEAL FROM ORDER No. 268 OF 2017**

Ms. Renu Ramesh Jaiswal

**...Appellant/
Applicant**

Vs.

**The Municipal Corporation
of Greater Mumbai and Anr.**

...Respondents

* * * *

**Ms. Kiran Mishra i/b. K.P. Tiwani & Co. for Appellant
Mr. Roop Basu i/b. The Law Point for Respondent No.2
Mr. R.Y. Sirsikar for Respondent No.1-MCGM**

Coram : Sandeep K. Shinde, J.

Dated: 21st APRIL, 2022.

P.C. :

1. Appellant -Plaintiff instituted L.C. Suit No. 810/2017 seeking decree of perpetual injunction against Defendant No.2- Mumbai Metropolitan Region Development Authority (MMRDA) from dispossessing, her from the, suit premises i.e. O-A-2, Ground Floor, C-6, New MHADA Colony, Kori Agar, Arman Co.op. Housing Society, Sion Koliwada, Link Road, Antop Hill, Mumbai - 400 037. Plaintiff would claim that the suit

premises were allotted to her by Defendant No.2 as transit accommodation. She would claim that on 22nd March, 2017, officers of Defendant No.2 threatened to dispossess her without following due process of law. Thus she instituted the suit. Pending suit, she sought order of temporary injunction, which the trial Court declined vide order dated 4th March, 2017. That order is challenged in this appeal.

2. Upon perusing the plaint and the impugned order, Learned trial court had noticed that Plaintiff did not produce 'allotment letter' on record. Therefore, Defendant No.2 - MMRDA was directed to verify and submit, to whom suit premises have been allotted. Learned counsel for the MMRDA, on written instructions, submits that the suit premises have not been allotted to the Plaintiff. The written instructions are taken on record and marked 'X-1' for identification. Admittedly, beside, mere assertion that suit premises was allotted as transit accommodation, no other evidence has been placed on record.

4. In consideration of these facts, the trial court has correctly recorded the finding that Plaintiff could not establish her possession in the suit premises as on the date of institution the

suit. In that view of the matter, no interference is called for in the impugned order. Appeal is dismissed.

(Sandeep K. Shinde, J.)