

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 523 OF 2022
IN
NOTICE OF MOTION NO. 1743 OF 2022
IN
L.C. SUIT NO. 1123 OF 2022

WITH
INTERIM APPLICATION NO. 3213 OF 2022

Ishaq Mohd. Hussain Ansari .. Appellant
Versus
MCGM .. Respondent

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- Mr. Krishikesh Soni i/by J.S. Yadav for the Appellant
 - Mr. R.Y. Shirshikar for MCGM
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CORAM : MILIND N. JADHAV, J.

DATE : MAY 13, 2022
(Vacation Court)

P.C.:

- 1.** Heard.
- 2.** The present Appeal from Order ("AO") is directed against the impugned order dated 06.05.2022 passed by the trial court refusing ad-interim relief in Notice of Motion No. 1743 of 2022 in L.C. Suit No. 1123 of 2022. It is the case of the Appellant that he is in peaceful possession of the suit premises since prior to 1995 and the same is a tolerated structure in a slum area and duly censused by the competent authority. On reading of the impugned order, it appears that the suit structure is situated on land belonging to the Corporation and it is

the case of the Corporation that the suit structure has been recently constructed. It has also been recorded by the trial court that the Appellant / Plaintiff has not placed on record any authentic documentary evidence for seeking ad-interim relief and hence, the prayer of the Appellant has been rejected.

3. The Appellant is permitted to place on record any documentary evidence that he may possess in respect of the suit structure standing on the Corporation land and being in existence prior to 1995 and file the same by way of an additional affidavit before the trial court within a period of six weeks from today. A copy of the same shall also be given to the Corporation to enable the Corporation to file appropriate reply within a period of two weeks thereafter. The trial court shall hear the parties and decide the Notice of Motion by passing a speaking order on the next adjourned date i.e. 13.07.2022. Until 13.07.2022, no coercive steps shall be taken to dispossess the Appellant from the suit structure.

4. In view of the above, the Appeal from Order as well as Interim Application stand disposed of.

[MILIND N. JADHAV, J.]

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