

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

**APPEAL FROM ORDER NO.548 OF 2022
WITH
INTERIM APPLICATION NO.3282 OF 2022
IN
APPEAL FROM ORDER NO.548 OF 2022**

Babanbi Modin Patel ...Appellant
Versus
Municipal Corporation of Gr.
Mumbai and Anr. ...Respondents

.....

Mr. Anil R. Mishra for the Appellant.
Mr. R.Y. Sirsikar for MCGM.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 14th JUNE, 2022.

P.C.:-

1. With consent, the matter is heard finally at the stage of admission.
2. The Appellant herein has challenged order dated 18/05/2022 whereby the learned Judge, City Civil Court at Dindoshi, has rejected ad-interim relief in notice of motion filed in L.C. Suit No.1157 of 2022.
3. The Respondent -Corporation had issued Appellant-Plaintiff

notice under Section 351 of the MMC Act alleging that he had constructed three rooms in an open space at Irani Wadi. Subsequently, by speaking order dated 03/02/2022 the said structure is ordered to be demolished. Learned counsel for the Appellant has placed on record copy of ration card and electricity bill, which prima facie indicate that the structure is existing since 1992.

4. Considering the above facts and circumstances in my considered view the subject suit needs to be preserved till the notice of motion is finally heard and decided on merits. Hence, the appeal is allowed. The Appellant as well as the Corporation is directed to maintain status-quo till final disposal of notice of motion on merits.

5. The appeal as well as the Civil Application stand disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)