

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

**APPEAL FROM ORDER NO. 1089 OF 2019
WITH
CIVIL APPLICATION NO. 1234 OF 2019**

Surekha Korage Shetty and Ors. ..Appellants

V/s.

Municipal Corporation for Greater
Mumbai and Ors. ..Respondents

Mr. Mukesh Dubey i/b S.K. Dubey for the Appellant.

Mr. Om Suryavanshi for the Respondent/MCGM.

Mr. Nitin Kamble, S.E. (B.P.) H/E Ward present.

CORAM : C.V. BHADANG, J.

DATE : 29 JULY 2022

P.C.

1. The challenge in this appeal is to the order dated 08.05.2019 passed by the learned Bombay City Civil Court, at Dindoshi in Notice of Motion No.491 of 2019 in L.C. Suit No. 2635 of 2018, by which the Appellant had sought referral of two structural audit reports to the Technical Advisory Committee (TAC) of the Respondent-Corporation. The audit report conducted by the landlord had classified the building as falling under C-1 category, while those by the tenants classified the building as C-2A category. The Trial Court has noticed that both the landlord as well as tenants were the plaintiffs and there was no

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inter se dispute between the landlord and the tenant. It is in this view of the matter that the Trial Court found that the reports cannot be said to be contrary to each other and therefore, the Notice of Motion No. 491 of 2019 was dismissed which order is subject matter of challenge in this petition.

2. Today the learned counsel for the Respondent-Corporation states that the corporation had of its own accord, referred the matter to TAC and TAC by virtue of the report dated 08.09.2020 has classified the building as falling under C-1 category. A copy of the report of the TAC is taken on record and marked "X" for identification.

3. In view of the fact that the matter has already been referred and TAC has arrived at a decision classifying the building as falling under C-1 category, nothing survives in the present appeal. The appeal is accordingly disposed of leaving it open to the Appellant to take recourse to appropriate remedy against the report of the TAC as may be available in law and, if so advised.

4. Pending Civil Application is also disposed of.

C.V. BHADANG, J.