

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

**APPEAL FROM ORDER NO. 681 OF 2022
WITH
INTERIM APPLICATION NO. 10229 OF 2022**

Smt. Kamrunissa Abdul Rashid Qureshi ..Appellant/Applicant.

v/s.

The Hon'ble Municipal Commissioner of
Gr. Mumbai & Anr. ..Respondents

Mr. Bhushan Deshmukh for the Appellant/Applicant.
Mr. R.Y.Sirsikar for the Respondent MCGM.
Mr. Anil Vijapure, Jr. Engineer C North Ward present.

**CORAM : ANUJA PRABHUDESSAI, J.
DATED : 20th JULY, 2022.**

P.C.

1. The Appellant herein has challenged the order dated 14.06.2022, whereby the learned Judge City Civil Court, Mumbai, has refused to grant ad-interim relief in Notice of Motion No. 102167 of 2022 filed in L.C.Suit No. 1212 of 2022.

2. The Appellant has filed the Notice of Motion apprehending that under the garb of notice under Section 351 dated dated 1.4.2022, and the Speaking Order dated 29.04.2022, the Respondent Corporation will demolish the structure wherein she is running the business of Garment, under the name and style "New Asif Garments" situated at II/U-225-A Ground Floor, Lohia Nagar, Mahatma Gandhi Road, Joglekar Wadi,

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Laxmibaug, Dharavi, Mumbai 400 017.

3. Notice under Section 351 was issued to Umesh Thorat at the address “New Madina Masjid, M.G.Road, Dharavi.” Speaking Order was also issued on the same address. The Appellant has not been able to show that she was occupying the premises near Madina Masjid, M.G.Road, Dharavi. The Electricity Bills and the other documents are relating to the structure at Mahatma Gandhi Road, Joglekar Wadi, Dharavi. It appears that the structure referred to in the Notice under Section 351 and speaking order is different from the structure which is occupied by the Appellant. The Appellant has not been able to show any right, title or interest in respect of the structure near Madina Masjid, Dharavi and as such, prima facie the Appellant is not entitled for any ad-interim relief in respect of the the said structure.

4. The Appeal from Order is dismissed.

5. Interim Application stands disposed of in view of dismissal of Appeal from Order.

(ANUJA PRABHUDESSAI, J.)