

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

**APPEAL FROM ORDER NO. 722 OF 2022
WITH
APPEAL FROM ORDER NO. 724 OF 2022**

Dhrunal Chhotalal Patel
v/s.
Mumbai Municipal Corporation
for Greater Mumbai and ors.

.... Appellant

.... Respondents

Mr. Yashwardhan Tiwari for the Appellant.
Mr. R.Y. Sirsikar for MCGM.
Mr. Pranav Avhad for Respondent No.3.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 19th JULY, 2022.

P. C. :-

. The Appellant herein has assailed the order dated 30/03/2022 whereby the learned Judge, City Civil Court, Greater Mumbai has rejected the prayer for ad-interim relief in BCC Suit No.1183/2022 and BCC Suit No.1184/2022 respectively.

2. The Appellant herein was issued notice dated 28/01/2021 and 30/01/2021 respectively under section 351 of Mumbai Municipal Corporation (MMC) Act and speaking order dated 09/03/2021. By the impugned order, the Appellant-plaintiff has been called upon to remove the unauthorized structure/shed more particularly described in the

schedule to notice under section 351 of MMC Act. The speaking order reveals that the photo copies of the documents produced by the Appellant were not considered since the Appellant had failed to provide the original documents. Learned counsel for the Appellant states that the originals are not available as the same were destroyed in fire. He further submits that the Appellant will file regularization application within a period of one week. Learned counsel for the Corporation states that Regularization Application, if filed, will be considered on its own merits and in accordance with law within a period of four weeks. In the light of said statement, both parties are directed to maintain status quo for a period of six weeks. The Appellant to file Regularization Application within a period of one week from the date of uploading of the order. The Corporation shall decide the Regularization Application within a period of four weeks from the date of receipt of the Application. Appeals as well as pending applications stand disposed of in above terms.

**PREETI
H JAYANI**

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PREETI H JAYANI
Date: 2022.07.26
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(SMT. ANUJA PRABHUDESSAI, J.)