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

**APPEAL FROM ORDER NO. 1055 OF 2022
WITH
INTERIM APPLICATION NO.19870 OF 2022**

Vijay Laxman Bhadhari .. Appellant
vs.
Brihanmumbai Municipal Corporation ..Respondent

Mr.P.J.Thorat i/b Mr. A.I. Shukla, for appellant.
None for the respondent.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 18, 2022

P.C. :

- 1.** Not on board. Taken on board.
- 2.** It is submitted by learned counsel for the appellant that the trial Court has adjourned the notice of motion to 13/12/2022. The challenge in this appeal is to the notice issued by the Corporation under section 354A of the Mumbai Municipal Corporation Act, 1888. Mr. Thorat submitted that an application for regularization has already been made to the Corporation under section 44 of the MRTP

Act and the same is pending for consideration. In such circumstances, it is his submission that the structure needs to be protected.

3. As the matter is kept on 13/12/2022, the trial Court may consider the question of grant or otherwise of the ad-interim relief which has been prayed for by the appellant. As the said question is at large before the trial Court, instead of keeping the appeal pending, the trial Court is directed to consider the request for grant of ad-interim relief on 13/12/2022. The trial Court to consider the said request on its own merits without being influenced by any observations made by me.

4. Till 20/12/2022, no coercive steps be taken against the said structure.

5. The appeal from order is disposed of. In view of disposal of the appeal from order, interim application does not survive and the same also stands disposed of.

(M. S. KARNIK, J.)