

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

***APPEAL FROM ORDER NO.309 OF 2019
WITH
CIVIL APPLICATION NO.373 OF 2019***

Mrs. Irshad Bee Shafat Sayed ...Appellant
Vs
The Municipal Corporation of Gr. Mumbai ... Respondents
...

Mr. S.P.Srivastava for the Appellant/Applicant.
Mr. Ravindra Sirsikar for the Respondent/MCGM.

CORAM : SANDEEP K. SHINDE J.
DATE : FEBRUARY 14, 2022.

P.C. :

Heard.

2 The Municipal Corporation of Greater Bombay issued show-cause notice under Section 351 of the Mumbai Municipal Corporation Act, 1881 ('MMC' Act for short) to Shri Sayyed Ali to show '*sufficient cause*' within the stipulated period, as to why notice construction should not be removed or pulled down. Admittedly, Sayyed Ali has not filed the suit, but his wife Mrs. Irshad Bee Shafat Sayed instituted Long Cause Suit No.3154 of 2014.

Therefore, no cause of action accrued to Mrs.Irshad-Plaintiff to challenge notice under Section 351 of the MMC Act. Thus, the suit itself was not maintainable.

3 In that view of the matter, no interference is called for in the impugned order by which the Trial Court declined to stay the execution of the notice in question.

4 For that reason, Appeal From Order is dismissed. All applications therein are disposed of accordingly.

(SANDEEP K. SHINDE, J.)