



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.325 OF 2023
WITH
INTERIM APPLICATION NO.4018 OF 2023**

Aachal Singh Kumpavat ... Appellant
versus
The Municipal Corporation of Gr. Mumbai and Anr. ... Respondents

Mr. R.P.Ojha i/by Mr. Asit Singh, for Appellant.
Mrs. Smita Tondwalkar, for Corporation.

**CORAM: N.J.JAMADAR, J.
DATE : 2 AUGUST 2023**

P.C.

1. Heard the learned Counsel for the parties.
2. The learned Counsel for the Appellant seeks leave to tender compilation of documents.
3. Leave granted.
4. The Appellant shall, however, file an Affidavit in support of the documents which are tendered before the Court, during the course of the day.
5. This Appeal is directed against the order dated 11 April 2023 passed by the learned Judge, City Civil Court in an unregistered Notice of Motion in Suit No.903 of 2023 whereby the learned Judge declined to grant ad-interim relief. However, since the learned Judge had granted interim protection, the same came to be continued by an order dated 24 April 2023.
6. The documents tendered on behalf of the Appellant indicate that the

notice structure was initially standing in the name of Chandrakant Kashinath Mahulkar and vide notice dated 12 December 1996, the Corporation had called upon the original owner to pay the property taxes in respect of the said structure assessed at property No.2325(1d) and the arrears of taxes were shown from 1 October 1975.

7. The question as to whether the notice structure is tolerated or protected one under the provisions of Maharashtra Slum Areas (Improvement, Clearance And Redevelopment) Act, 1971 would be required to be determined in the light of the documents which are tendered today on behalf of the Appellant.

8. In the circumstances of the case, the Appellant deserves an opportunity to tender those documents before the trial court and thereupon have determination of the Notice of Motion finally. Let the Appellant produce these documents before the trial court along with an Affidavit. The Respondent-Corporation shall be at liberty to file an Affidavit in Reply to deal with the said documents. The learned Judge is requested to make an endeavour to decide Notice of Motion No.1480 of 2023 as expeditiously as possible.

9. In the meanwhile, the interim protection granted by this Court shall continue to operate till the decision of the Notice of Motion.

10. The Appeal stands accordingly disposed.

11. Interim Application also stands disposed.

(N.J.JAMADAR, J.)