

Chaitali Ekke

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

**APPEAL FROM ORDER NO. 365 OF 2023
WITH
INTERIM APPLICATION NO. 4509 OF 2023
IN
APPEAL FROM ORDER NO. 365 OF 2023**

Virendra P. Chaube

Appellant /
...Org. Plaintiff***Versus***Municipal Corporation Of Greater Mumbai
Thr. Asst.Municipal Commissioner T-WardRespondent /
...Org. Defendant

....

Mr. Ashok M. Saraogi, for Appellant / Applicant.
Mr. Santosh Parad, for Respondent-MCGM.

....

**CORAM : RAJESH S. PATIL, J.
VACATION COURT
DATED : 9th MAY 2023**

P.C.:

1 Advocate for Applicant states that subject structure is collapsible i.e., the structure is pushed inside the main shop during night hours.

2 The City Civil Court by its order dated 13.04.2023 has rejected the Notice of Motion of Applicant / Plaintiff. Applicant had sought protection of the subject structure by Notice of Motion, for temporary injunction under Order XXXIX Rule 1 of the Code of Civil

Procedure. Applicant's Advocate Mr. Saraogi states that subject structure is protected from 2017, till today. Mr. Saraogi, on instructions, states that his client is ready to withdraw this Appeal from Order, also the Suit and apply to the Municipal Corporation to regularize the structure, if permitted by law. Advocate for Corporation states that Corporation's concerned officer to look into the issue and decide the same, as per the provisions of Bombay Municipal Corporation Act, and the policy of the corporation, in accordance with law.

3 The Corporation's concerned officer should decide the issue regularization of the subject structure within a period of 12 weeks from today. In the meantime, for a period of 14 weeks from today. No coercive action with regard to the subject structure be taken by the Corporation.

4 Appeal from order is disposed. Interim Application is also stands disposed.

(RAJESH S. PATIL, J.)