

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

**APPEAL FROM ORDER NO. 67 OF 2021
IN
NOTICE OF MOTION NO. 3053 OF 2017
WITH
INTERIM APPLICATION NO. 1727 OF 2022
WITH
INTERIM APPLICATION NO. 675 OF 2021**

Motilal Hanjarimal Jain ..Appellant
Vs.
Municipal Corporation of Gr. Mumbai & Ors. ...Respondents

**AND
APPEAL FROM ORDER NO. 68 OF 2021
IN
NOTICE OF MOTION NO. 3054 OF 2017
WITH
INTERIM APPLICATION NO. 1724 OF 2022
WITH
INTERIM APPLICATION NO. 676 OF 2021**

Ganeshmal Chhogala Sanghvi since deceased
through LRs Savitriben Ganeshmal Sanghvi & Ors...Appellants
Vs.
Municipal Corporation of Gr. Mumbai & Ors. ...Respondents

Mr. Rasesh Shah i/b. Mr. Arshil Shah for Appellants.
Mr. R. Y. Sirsikar for Respondent No.1/MCGM.
Mr. Kunal Bhanage i/b. Mr. Akshay Pawar for Respondent Nos.3 and 4.

**CORAM : G.S. KULKARNI, J.
DATE : JANUARY 20, 2023**

P.C.:

1. In pursuance of an order dated 20 December, 2022 passed by a Coordinate Bench of this Court (Smt. Anuja Prabhudessai, J.) M/s. H. Mehta & Associates has submitted in a sealed cover its inspection report. The conclusion of the inspection report reads thus:-

“CONCLUSION :

The main structure of both the shops are in existence with side walls and Rolling Shutters at front. The M. S. joists, supporting roof slab are also in existence. Only roof slab found to be demolished of both the Shops, to large extent i.e. about 90% roof slab of Shop No.1 and about 60% roof slab of Shop No.2 is not in existence (found demolished).

As mentioned above, the enclosed photographs, are self explanatory and evident for the said facts of existence of main structures of Shop No. 1 & Shop No.2.”

2. Let the office furnish copies of the said inspection report to the parties.
3. After the proceedings are heard for sometime, learned counsel for the appellants seeks leave to withdraw these appeals with liberty to move a fresh motion on new materials in the pending suit.
4. Allowed to be withdrawn with liberty to move appropriate application before the trial Court, as may be permissible in law.
5. All contentions of the parties are expressly kept open.
6. Disposed of in the above terms. No costs.

[G.S. KULKARNI, J.]