

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

FIRST APPEAL NO.1625 OF 2019

Mr. Jivraj Mishrimal Bokadia ...Appellant

V/s.

Mr. Dulichand Raichandanji Chandan & Ors. ...Respondents

Mr. Ashok M. Saraogi for Appellant.

Mr. Parth Shah for Respondent No.1.

Mr. Santosh Parad for Respondent Nos.2 and 3.

CORAM : AMIT BORKAR, J.

DATE : JANUARY 30, 2023

P.C.:

1. The appellant is original plaintiff who has filed a suit for perpetual injunction and mandatory injunction against the defendant no.1 from restraining the defendant from carrying out addition or alteration of permanent nature and for restoration of suit of flat no.1, ground floor and the plaintiff also prayed for injunction restraining defendants from permitting change of user.

2. Undisputedly during pendency of suit, the corporation approved application of defendant no.1 for regularisation to use it for commercial purpose. The plaintiff has adopted appropriate proceedings challenging the action of corporation.

3. In that view of the matter, permitting the plaintiff to raise all contentions in relation to legality and validity of the order

of regularisation and his rights to raise challenge to the user of premises of defendant no.1, this appeal is disposed of as infructuous by keeping contention of the plaintiff to challenge action of regularisation and to raise objection to the use of property in appropriate proceedings.

4. First appeal stands disposed of.

(AMIT BORKAR, J.)