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

**WRIT PETITION NO.16005 OF 2022**

Satish D. Vithalani & Ors ... Petitioners  
**V/s.**  
M/s Astro Sports and Anr ... Respondents

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Mr. Rajiv Narula a/w Ms. Mehek Chaudhary i/by  
Jhangiani Narula & Associates, for petitioner.

Mr. Amogh Singh, for respondent.

**CORAM : AMIT BORKAR, J.**

**DATED : NOVEMBER 1, 2023**

**P.C.:**

1. The writ petition is by landlord who filed Chamber Summons under Order 1, Rule 10 of the Code of Civil Procedure, 1908 before the Civil Court in a suit challenging notice under Section 354(a) of the Mumbai Municipal Corporation, 1888. It is undisputed that the petitioner is landlord of the premises. The subject matter of the suit is in relation to issue as to whether suit structure is unauthorized construction or not.

2. In my opinion, the issue as to whether landlord is proper party to the suit challenging notice under Section 354(a) of Mumbai Municipal Corporation Act, 1888 (for short 'MMC Act') is no longer *res integra* in view of judgment of the Supreme Court in the case of **Aliji Momonji & Co. Versus Lalji Mavji & Others**,

reported in (1996) 5 SCC 379. Though the issue involved in the said matter arose out of notice under Section 351 of MMC Act. However, same principle will apply for notice under Section 354(a) of MMC Act. Therefore, the impugned order cannot be sustained.

3. The Chamber Summons No.1928 of 2017 is made absolute.
4. The writ petition stands disposed of in above terms. No costs.

**(AMIT BORKAR, J.)**