



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
REVIEW PETITION NO.3 OF 2023
IN
APPEAL FROM ORDER NO.245 OF 2023**

Dhanista Builders and Developers ... Petitioner
versus
The Municipal Commissioner and Ors. ... Respondents

Dr. Uday Warunjikar with Mr. Kiran Kulkarni, Ms. Neha Bachim, Ms. Shreya Gharat, Ms. Srushti Malushte i/by Kulkarni and Associates, for Petitioner.
Mr. Narendra V. Walawalkar, Sr. Advocate with Mrs. Smita Tondwalkar, for Respondents.

CORAM: N.J.JAMADAR, J.

DATE : 19 OCTOBER 2023

P.C.

1. Heard the learned Counsel for the parties.
2. Perused the Review Petition.
3. The substance of the submissions of Mr. Warunjikar is that clauses (iii) and (iv) of the operative portion of the judgment and order dated 3 October 2023 cause prejudice to the Appellant-Petitioner as the Appellant-Petitioner would be saddled with the liability to provide a set back area and there are other issues which may crop up like provision for road etc., if the Municipal Corporation is permitted to erect the building at the suit property of the same dimensions, before its demolition.
3. The Court has considered the issue of existence of the building at the suit property even before the Appellant-Petitioner acquired the property from its

vendors. The grounds now sought to be urged have the propensity to expand the scope of the appeal which was against an order refusing to grant temporary injunction.

4. I am not persuaded to hold that there is any error apparent on the face of the record or other substantial ground which merits review of the order.

5. Hence, the Review Petition stands dismissed.

6. At this stage, Mr. Warunjikar seeks further stay to the order for a period of two weeks.

7. Since this Court has already granted three weeks stay, time on 3 October 2023, to advance the cause of justice, the order passed by this Court is stayed for a further period of one week.

(N.J.JAMADAR, J.)