

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

**FIRST APPEAL NO. 103 OF 2009**

Shahjada Rahimtulla Khan

... Appellant

**Vs.**

Municipal Corporation Of Gr. Bombay

... Respondents

TALLE  
SHUBHAM  
ASHOKRAO

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TALLE SHUBHAM  
ASHOKRAO  
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None for the Appellant.

Adv. Santosh Parad, for the Respondent/MCGM.

CORAM : KISHORE C. SANT, J.

DATE : 21<sup>st</sup> FEBRUARY, 2024

**P.C.:-**

1. This appeal is admitted by Order dated 24/07/2009. Challenge in this Appeal is to the Order passed by the learned 3<sup>rd</sup> Ad-hoc Addl. Sessions Judge, Borivali Division, Dindoshi Bombay City Civil Court dated 11<sup>th</sup> December, 2008 in L. C. Suit No. 5057 of 2006. The Suit was filed for declaration that the notice dated 29<sup>th</sup> August 2006 in respect of the suit structure u/section 354A of Mumbai Municipal Corporation Act is illegal and by way of amendment the Plaintiff has sought reconstruction of the suit premises which has been demolished by the Respondent/defendant illegally.

2. The matter was on board on 12/12/2023 this Court directed the Appellant to supply requisite number of decree forms on or before 23/01/2024. On 23/01/2024 time was extended to supply decree forms

within 4 weeks by way of last chance and matter was adjourned to 20/02/2024. However till date no decree forms are supplied though last chance was granted.

3. Considering the above this Court finds that the appeal is pending since in spite of orders compliance is not made. This Court is constrained to dismiss the Appeal for want of prosecution.

4. The Appeal stands disposed of. All pending Civil Applications, if any to stands disposed of, in view of the disposal of the Appeal.

**(KISHORE C. SANT, J.)**