

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**APPEAL FROM ORDER NO.272 OF 2024
WITH
INTERIM APPLICATION NO.7288 OF 2024
IN
APPEAL FROM ORDER NO.272 OF 2024**

Mr. Vincent Anthony Rock And Another ...Appellants/Applicants

vs.

Municipal Corporation of
Greater Mumbai & Anr.

...Respondents

....

Mr Jagdish Jayale, for the Appellants.

Ms Smita V. Tondwalkar, for Respondent Nos. 1 and 2/MCGM.

....

CORAM : R.N. LADDHA, J.

DATE : 4 APRIL 2024

P.C. :

. In the present appeal, the appellants/original plaintiffs have challenged the order passed by the Judge, City Civil Court, Mumbai. This order dated 7 March 2024, pertains to Notice of Motion No.1390 of 2021 in L.C. Suit No.1255 of 2019. By this order, the learned trial court denied the appellants' prayer for an interim injunction and refused permission for the reconstruction of the suit premises.

2. Learned Counsel for the appellants makes a grievance that, as per the liberty granted by the trial court, the appellants have submitted an application for reconstruction to the respondent Corporation. He submits that despite the demolition of the original structure, a temporary shed was, subsequently, erected on the same spot. However, the other contentions raised by the appellants' learned Counsel cannot be considered at this stage. These contentions necessitates evidence. Nevertheless, since the application is pending before the concerned authority of the respondent Corporation, as claimed, the respondent authority is required to decide it. Accordingly, the concerned authority of the respondent Corporation shall decide the same on its own merits and in accordance with the law. The appellants are directed to remain present before the concerned authority of the respondent Corporation tomorrow, which is Friday 5 April 2024 at 11.00 a.m. with all required documents. Learned Counsel for the appellants undertakes to refrain from taking an adjournment before the authority on 5 April 2024 and conclude his arguments along with the documents itself.

3. In light of the foregoing, the parties to maintain the status-quo until the decision of the application, pending before the concerned authority for reconstruction.

4. Accordingly, the present appeal from order stands disposed of. As a sequel, the pending interim application also disposed of. If the

occasion arises, the parties are at liberty to take an appropriate legal remedies available in law.

5. Parties to act on the authenticated copy of this order.

(R.N. LADDHA, J.)