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

**APPEAL FROM ORDER NO.371 OF 2024
WITH
INTERIM APPLICATION NO.8587 OF 2024
IN
APPEAL FROM ORDER NO.371 OF 2024**

Ivory Tower Co-operative Housing Society
Limited The. Mr. Jayesh Shah(Chairman) ...Appellant/Applicant

vs.

Municipal Corporation of Greater Mumbai
Thr. Designated Officer G-South Ward ...Respondent

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Mr Mayur Khandeparkar, a/w. Mr Chaitanya, Mr Burzin Bharucha, Mr
Shreyas and Mr Darshi, i/b. White and Brief Advocates and Solicitors,
for the Appellant.

Ms Smita V Tondwalkar, for Respondent/BMC.

Mr Ganesh Narbat, A.E.(B&F) G-South Ward, present.

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Coram : R.N. Laddha, J.

Date : 8 May 2024

P.C.:

. This appeal is listed today on account of the praecipe moved
by the learned Counsel appearing for the appellant for urgent listing on
the ground that the respondent Corporation sought to take action of
demolition of suit structure. Accordingly, as per request of the learned
Counsel for the Respondent Corporation, the appeal is taken up for
hearing.

2. Mr Mayur Khandeparkar, the learned counsel appearing for the appellant, submits that the appellant has received a notice under Section 351 of the Mumbai Municipal Corporation Act, 1988 (“MMC Act”). On 21 March 2024, and 30 March 2024, the Corporation issued an order of demolition alleging that the appellant had made additions and alterations to the building. The learned trial court refused ad-interim relief without taking into consideration the contentions of the appellant.

3. Ms Smita Tondwalkar, learned Counsel appearing for the respondent Corporation, supports the line of reasoning adopted by the trial court in its impugned order.

4. The present appeal is filed challenging the order dated 16 April 2024, refusing ad-interim relief to the appellant/plaintiff in Notice of Motion No.1394 of 2024. Considering the nature of the dispute involved in the present appeal, instead of determining the correctness of the impugned order, it would be appropriate that the learned trial court decides the notice of motion, finally. The learned trial court, therefore, is requested to expedite the hearing of the notice of motion, and decide it on its own merits in accordance with the law expeditiously and as far as possible within eight weeks from the receipt of this order. Till then, the parties to maintain the status-quo. This order of status-quo will not come in the way to apply for the regularisation, which the appellant is intending to file.

5. In view of this, the appeal stands disposed of. Accordingly, the pending application is also disposed of. Needless to state that this Court has not examined the merits of the matter and all contentions of the parties are left open.

(R.N. LADDHA, J.)