

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

**APPEAL FROM ORDER NO. 403 OF 2024
WITH
INTERIM APPLICATION NO. 9130 OF 2024
IN
APPEAL FROM ORDER NO. 403 OF 2024**

Indira Bhaskar Shetty And Another ...Appellants
Versus
Municipal Corporation Of Greater Mumbai And Others ...Respondents

Mr. Ranjeev Carvalho a/w Ms Dikshita More i/b. Mr. Bipin Joshi for the Appellants.
Mr. R. Y. Sirsikar for the Respondent-BMC

CORAM : M. M. SATHAYE, J.

**DATED : 29 MAY 2024
(Vacation Court)**

PC.:

1. Heard learned Counsel for the parties.
2. The Appellants/Original Plaintiffs have challenged the impugned order dated 23.04.2024 passed in Notice of Motion No. 4613 of 2014 by Ad-Hoc Judge, City Civil Court Room No. 4, Greater Mumbai. By the impugned order, the Appellant's Notice of Motion seeking protection from the impugned notices issued by the Municipal Corporation, is dismissed.
3. Learned Counsel for the Appellant has invited this Court's attention to the order of the same date i.e. 23.04.2024 by which earlier interim order

(dated 10.12.2014) was continued for a period of four weeks from the date of the uploading of the order.

4. It is common ground before the Court that this protection was extended till 27.05.2024. Learned Counsel for the Appellants, on instructions, asserts that in last two days, the Respondent – Corporation has not taken any action against the Appellants' structures involved. Statement is accepted.

5. Learned Counsel for the Respondent-Municipal Corporation has opposed the extension of the interim protection and points out that matter involves action under section 314 of the Mumbai Municipal Corporation Act, 1888.

6. Considering that the Appellants were protected till 27.05.2024, based on the assertion made by them, as recorded above, the interim protection granted on 10.12.2014 by the Trial Court and continued by order dated 23.04.2024, is further continued till 12.06.2024.

7. Place the matter for admission on **11.06.2024**.

8. All concerned to act on authenticated or digitally signed copy of this order.

(M. M. SATHAYE, J.)