

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

**906. INTERIM APPLICATION NO. 13884 OF 2024
IN
APPEAL FROM ORDER (ST) NO. 4321 OF 2020**

Dilip Limbachia

.. Applicant

v/s.

Municipal Corporation Of
Greater Mumbai And Anr.

.. Respondents

AND

**907. INTERIM APPLICATION NO. 13885 OF 2024
IN
APPEAL FROM ORDER (ST) NO. 4317 OF 2020**

Dipika Narendra Limbachia & Anr.

.. Applicant

v/s.

Municipal Corporation Of
Greater Mumbai And Anr.

.. Respondents

**15. INTERIM APPLICATION NO. 13871 OF 2024
IN
APPEAL FROM ORDER (ST) NO. 4320 OF 2020**

Dilip Limbachia

.. Applicant

v/s.

Municipal Corporation Of
Greater Mumbai And Anr.

.. Respondents

Mr. Nishant Chothani a/w. Ms.Anushka Shetty i/b. MLS Vani
& Associates for the Applicants.

Ms. Seena Rawade for the Respondent/MCGM.

**CORAM : SHYAM C. CHANDAK, J.
DATE : 17th OCTOBER, 2024.**

P.C. :

. The aforesaid Appeals have been refused to be registered for not clearing the office objections in time. Record indicates that despite having ad-interim relief in AO (St) No. 4321 of 2020, the Applicants/Appellants failed to clear the office objections since then.

2) Heard. Learned counsel for the Applicants submitted that due to inadvertance of the Court clerk of the Advocate on record for the Applicants, the office objections could not be removed and ultimately, the Appeals have been refused to be registered for that reason.

3) However, this submission is opposed by the learned counsel for the Respondent on the ground that since the grant of interim relief the Applicants have been using the subject notice structure for commercial purpose. But for the interim relief the said structure could not be demolished. However, she submits that considering the interim relief was in favour of the Applicants, there should be sufficient costs for restoration and registration of the Appeals. There is no sufficient reason for not removing the office objections in time. However, looking at the fact that the subject notice structure is still in existence, the Appeals can be restored subject to reasonable cost which learned counsel for the Applicants on voluntary instructions of the Applicants, suggested as total Rs.1,00,000/- in all the three applications as under:

i) Interim Application No.13884/2024 -- Rs 33,000/-

ii) Interim Application No.13885/2024 -- Rs 33,000/-

iii) Interim Application No.13871/2024 -- Rs 34,000/-

4) In view thereof, all the Interim Applications deserve to be allowed accordingly. Hence following Order:

ORDER

a) All the interim applications are allowed subject to payment of cost of Rs.1,00,000/- in all the three applications as under:

i) Interim Application No.13884/2024 -- Rs 33,000/-

ii) Interim Application No.13885/2024 -- Rs 33,000/-

iii) Interim Application No.13871/2024 -- Rs 34,000/-

b) All the office objections be removed within two weeks and the aforesaid Cost be paid to the Corporation within two weeks from the date of uploading of this Order on the official Website of this Court .

(SHYAM C. CHANDAK, J.)

JYOTI
RAJESH
MANE

Digitally signed
by JYOTI
RAJESH MANE
Date: 2024.10.22
16:35:19 +0530