

Sumedh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 772 OF 2024

Mulraj Khatau and Sons Pvt Ltd ...Petitioner
Versus
The Municipal Corporation of Greater Mumbai
& Ors ...Respondents

Mr Pradeep Thorat, i/b Aditi Naikare, for the Petitioner.
Ms Rupali Adhate, for the Respondent-BMC.
Mr Umair A Ansari, for Respondent No 3.

CORAM G.S. Patel &
Kamal Khata, JJ.
DATED: 23rd April 2024

PC:-

1. The Petitioner seems to have filed a substantive Civil Suit in the City Civil Court of Dindoshi against Respondent No 3 and the Municipal Corporation in respect of the same property and structure. The Suit is of 2019. We are told that in the Writ Petition the concern is with a structure that has been re-erected on the same spot. That is no ground to allow multiple proceedings in different fora like this. The Suit is pending. In fact, the Petitioner's Notice of Motion is still pending and is listed for orders. It has now apparently been kept on 8th May 2024. The Reply of the Brihanmumbai Municipal Corporation in this matter is taken on record.

2. We reject the Writ Petition with liberty to the Petitioner to take appropriate steps in the pending civil proceedings. We have expressed no opinion on the rival contentions in the matter.

(Kamal Khata, J)

(G. S. Patel, J)