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

**APPEAL FROM ORDER (ST) NO.2728 OF 2019
WITH
CIVIL APPLICATION (ST) NO.2841 OF 2019**

Mohiddin K. Bagwan	...	Appellant.
V/s.		
Municipal Corportion of Greater Bombay	...	Respondent

Mr. Hemant Ghadigaonkar, for the appellant
Mrs. Madhuri More for respondent

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 31st JANUARY, 2019.

P.C. :

- 1] Heard learned counsel for the appellant and respondent.
- 2] This Appeal is preferred against the order dated 19.01.2019, passed by the City Civil Court, Bombay in Notice of Motion in L.C.Suit No.170 of 2019, thereby refusing ad-interim relief.
- 3] The perusal of the order goes to show that the appellant has failed to show any document prima facie proving that the structure is authorized or it falls in slum area or it is in existence since before the datum line. No other documents like commencement certificate or completion certificate etc, to prove the legality of the said structure is produced on record. As such no relief of ad-interim

nature restraining respondent from taking any action against the said structure can be granted. Even though the submission of learned counsel for the appellant is that the relief is sought only against action being taken without following due process of law, it is clear that under the garb of such order, appellant wants to protect patently illegal and unauthorized structure.

4] In view thereof, the trial Court has rejected ad-interim relief. In the Appeal from such discretionary order, no interference is warranted. Hence, the Appeal stands dismissed.

5] In view of dismissal of Appeal itself, pending Civil Application therein no more survives and the same is disposed off accordingly.

[DR.SHALINI PHANSALKAR-JOSHI, J.]