

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 438 OF 2019

IN

FIRST APPEAL NO. 132 OF 2019

Kishor Dhondu Chavan

...Applicant

Versus

MCGM

...Respondent.

Mr. Pradeep J. Thorat for Applicant-Appellant.
Ms. Vidya Vyavhare for Respondent-Corporation.

Coram : Sharmila U. Deshmukh, J.

Date : 12th March, 2025.

P. C. :

1. *Prima facie* the finding of Trial Court is that there is illegality in order passed under Section 351 of the Mumbai Municipal Corporation Act, 1888 as the Assistant Commissioner appears to not have applied his mind, which order was prepared by his Junior Engineer.
2. Further, the Trial Court has also held that plaintiff's structure, which is situated in CTS No. 568 has been declared as slum, however, the Government Gazette shows that only the portion of CTS No. 568 has been declared as slum. The Trial Court *prima facie* has not noticed that the structure was censused.
3. *Prima facie*, it appears that the findings of Trial Court are

unsustainable.

4. Ms. Vyavhare seeks time to file Affidavit-in-reply.
5. Let Affidavit-in-reply be filed within a period of four weeks from today.
6. There was an ad-interim order protecting the structure. Till the next date, ad-interim relief in terms of prayer clause (a).
7. Stand over to **9th April, 2025.**

[Sharmila U. Deshmukh, J.]