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

**APPEAL FROM ORDER NO. 816 OF 2024
WITH
INTERIM APPLICATION NO. 14811 OF 2024
IN
APPEAL FROM ORDER NO. 816 OF 2024**

Mr. Rajendra Badriprasad Chawla & Ors. ...Appellants
Versus
The Municipal Corporation Of Greater Mumbai & Anr. ...Respondents

Mr. Jagdish N. Jayale for the Appellants.
Mr. Om Suryawanshi for the Respondent-MCGM

CORAM : M. M. SATHAYE, J.

DATED : 3rd DECEMBER 2024

P.C.:

1. Heard learned Counsel for the Appellants, who submits that the impugned order is passed in Motion, which was taken out only with a prayer to direct the Respondent-Corporation to consider the additional reply dated 28/09/2024 filed by the Appellants in response to the suit notice issued u/s. 351 of the Mumbai Municipal Corporation Act, 1988 ("the said Act" for short).
2. *Prima facie*, the impugned order dated 07/11/2024 is passed without any consideration of the additional reply dated 28/09/2024.
3. Learned Counsel for the Appellants has also relied upon the notice dated 27/09/1962 issued to the Appellants' predecessor u/s. 351 of the said Act in respect of the 4th Floor. The said notice has sketch on the backside

showing ground plus 3 floors and the notice structure on 4th floor. It is submitted that pursuant to this notice, the structure on the 4th Floor was demolished. He submits that this shows the existence of the present suit structure i.e. ground + 3 floors.

4. Learned Counsel for the Respondent-Corporation seeks time to take specific instructions from the concerned officer of the Municipal Corporation including about the notice dated 27/09/1962 relied upon by the Appellants.

5. Stand over to 16/12/2024.

6. The ad-interim protection granted earlier to continue till the next date.

(M. M. SATHAYE, J.)