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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 654 OF 2022
WITH
INTERIM APPLICATION NO. 10033 OF 2022**

SHIRIN SAIFUDDIN LAKDAWALA
THR. C.A. MUSLIM SAIFUDDIN
LAKDAWALA ..APPELLANT
VS.
EXECUTIVE ENGINEER-C-1, DIVISION
AND OTHERS ..RESPONDENTS

**WITH
APPEAL FROM ORDER NO. 657 OF 2022
WITH
INTERIM APPLICATION NO. 10038 OF 2022
WITH
APPEAL FROM ORDER NO. 667 OF 2022
WITH
INTERIM APPLICATION NO. 10106 OF 2022**

SAIFUDDIN DAWOODBHAI LAKDAWALA
THR. C.A. MUSLIM SAIFUDDIN
LAKDAWALA ..APPELLANT
VS.
EXECUTIVE ENGINEER-C-1, DIVISION
AND OTHERS ..RESPONDENTS

**WITH
APPEAL FROM ORDER NO. 664 OF 2022
WITH
INTERIM APPLICATION NO. 10101 OF 2022**

KUBRABAI BAGASRAWALA, THR. CA
JUZAR KASAMALI BAGASRAWALA ..APPELLANT
VS.
EXECUTIVE ENGINEER-C-1, DIVISION
AND OTHERS ..RESPONDENTS

**WITH
APPEAL FROM ORDER NO. 656 OF 2022
WITH
INTERIM APPLICATION NO. 10035 OF 2022**

MOHAMMED KHAN ALI
JAHANGIRPURWALA ..APPELLANT
VS.
EXECUTIVE ENGINEER-C-1, DIVISION
AND OTHERS ..RESPONDENTS

**WITH
APPEAL FROM ORDER NO. 661 OF 2022
WITH
INTERIM APPLICATION NO. 10091 OF 2022**

MADINABAI SHAMSHUDDIN SORATIA THR.
POA MR. SIRAJUDDIN S. SORATIA ..APPELLANT
VS.
EXECUTIVE ENGINEER-C-1, DIVISION
AND OTHERS ..RESPONDENTS

Mr. Nitesh Acharya for appellant.
Mr. Pradeep Thorat a/w. Ms. Fatema Kachawalla, Mr. Virgil
B. Ms. Yogini Borade and Mr. Atharv i/b. J. Sagar Associates
for respondents-SBUT in all AOs.
Ms. Shreya Shah i/b. Mr. P. G. Lad for respondent-MHADA.
Mr. N. B. Patil, AGP for respondent-State.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 26, 2022.

P.C. :

1. An objection is raised by learned counsel for the respondent no.4 that the present appeal is not maintainable as the order passed by the trial Court is on the Notice of Motion filed by the appellant under Order 39 Rule 2A of the

Code of Civil Procedure (hereafter 'CPC' for short). The trial Court has dismissed the Notice of Motion. Consequently in view of the Bombay Amendment to the provisions of the Order 43 Rule 1(r) of the CPC, the appeal is not maintainable.

2. Faced with this difficulty, learned counsel for the appellant submitted that he may be allowed to convert these appeals from order into the writ petitions.

3. Permission accordingly is granted to convert the appeals into the writ petitions. Necessary amendments to be carried out within a period of two weeks from today.

4. The civil applications are disposed of. Liberty to seek appropriate interim reliefs in the writ petitions.

(M.S.KARNIK, J.)