

ANANT
KRISHNA
NAIK

Digitally
signed by
ANANT
KRISHNA
NAIK
Date:
2024.12.14
13:18:02
+0530

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

**APPEAL FROM ORDER NO. 899 OF 2024
WITH
INTERIM APPLICATION NO. 15738 OF 2024**

Jayakumar G. Nadar ...Appellant
Versus
Mumbai Municipal Corporation Of Greater Mumbai ...Respondent

Mr. Kunal Bhanage a/w. Mr. Akshay Pawar for the Appellant
Ms. Seena Rawade for the Respondent-MCGM

CORAM : M. M. SATHAYE, J.

DATED : 13th DECEMBER 2024

P.C.:

1. Heard learned Counsel for the Appellant and learned Counsel for the Respondent – MCGM.
2. The Appeal is filed challenging the impugned order dated 02.12.2024 by City Civil Court, Borivali Division at Dindoshi in Notice of Motion No. 930 of 2020 in L.C. Suit No. 516 of 2020. By the said impugned order, the motion taken out by the Appellant is rejected, thereby refusing to restrain the Respondent – Corporation from acting on the suit notice dated 17.12.2018 and speaking order of 23.02.2020.
3. Learned Counsel for the Appellant invited this Court's Attention to the paragraph no. 7 of the impugned order and submitted that sanctioned plan which was produced before the Trial Court was in fact received through Right to Information from the Respondent-Corporation itself. He further

fairly pointed out that the action was at the instance of the neighbour, whose intervention in the Suit was rejected; however, the same is allowed by this Court in WP/15378/2024 vide order dated 18/11/2024. He submits that Appellant is contemplating a challenge to the said order.

4. Learned Counsel for the Respondent-Corporation seeks time to take appropriate instructions. Stand over to 29/01/2025.

5. In the meantime, the interim protection granted by the City Civil Court on 03/12/2024 directing the Respondent-Corporation not to take coercive steps, which is in operation today, is extended till the next date.

(M. M. SATHAYE, J.)