

MJ Jadhav

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 159 OF 2025
WITH
INTERIM APPLICATION (ST) NO. 22617 OF 2024
IN
APPEAL FROM ORDER NO. 159 OF 2025**

MANGALTAI
JAYWANT
JADHAV
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Date: 2025.03.04
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Shekhar Appu Shetty

... Appellant/Applicant

vs.

Municipal Corporation of Greater Mumbai

... Respondent

Mr. Pradeep Thorat a/w Aditi Naikare for the Appellant/Applicant.

Mr. Om Suryavanshi for the Respondent-BMC.

CORAM : GAURI GODSE, J.

DATED : 3rd MARCH 2025

ORDER :-

1. Learned counsel for the appellant submits that the suit is at the stage of recording evidence. He submits that the appellant would be relying upon documents to indicate that the offending structure was in existence since beginning and no new construction is carried out by the appellant. He, however, submits that the appellant would file an undertaking in this Court stating that, in the event, the appellant is unable to succeed in the suit in proving that the offending structure as per the impugned notice dated 27th July

2011 is authorized structure, the appellant would remove the offending structure as described in the suit notice.

2. To enable the appellant to file an undertaking in this Court, list the appeal on 12th March 2025.

3. To be listed under the caption 'for directions'.

4. Till the next date, no coercive action to be taken against the offending structure as per the impugned notice.

(GAURI GODSE, J.)