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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 764 of 2024
WITH
INTERIM APPLICATION NO. 52 OF 2025
AND
INTERIM APPLICATION NO. 14393 OF 2024

Mr. Rampyare J. Benbashi ... Appellant/Applicant
Vs.
Brihanmumbai Municipal Corporation ... Respondents
and Another

WITH
APPEAL FROM ORDER NO. 765 of 2024
WITH
INTERIM APPLICATION NO. 53 OF 2025
AND
INTERIM APPLICATION NO. 14396 OF 2024

Mr. Jaykar Shetty ... Appellant/Applicant
Vs.
Brihanmumbai Municipal Corporation ... Respondents
and Another

WITH
APPEAL FROM ORDER NO. 772 of 2024
WITH
INTERIM APPLICATION NO. 51 OF 2025
AND
INTERIM APPLICATION NO. 14454 OF 2024

Mr. Jitendra G. Kamble ... Appellant/Applicant
Vs.
Brihanmumbai Municipal Corporation ... Respondents
and Another

Mr. Manish Galal a/w. Mr. Ankit Shah, Mr. Vidhi Chheda, Mr. Jay Chheda for the Appellant/Applicant.

Mr.Om Suryavanshi i/b. Ms. Komal Punjabi for the Respondent-BMC.

CORAM : GAURI GODSE, J.

DATE : 6th JANUARY 2025

ORDER :

1. These appeals are filed for challenging order dated 27th September 2024 refusing to grant ad-interim relief. When the ad-interim motion was heard corporation had not filed any reply. Hence, the motion was adjourned for filing reply by the corporation. Corporation was granted time to file reply till 25th January 2025. However, the learned Judge of the City Civil Court directed the corporation not to take coercive action for a period of three weeks. This court has continued the said order granting protection.

2. Learned counsel for the appellants submits that the respective appellants have filed an application for impleading the original landlord as party defendants to the suit in view of order dated 11th November 2024 passed by this court.

3. Learned counsel for the corporation submits that necessary reply would be filed to the main notice of motion for interim relief

and the chamber summons on the next date before the City Civil Court.

4. Notice of motion is still pending hearing before the City Civil Court. Hence, I am not inclined to record any reasons on the rival contention of the parties at this stage, as the same would prejudice the rival contentions of the parties on merits before the City Civil Court.

5. Since the protection from demolishing the suit structure is operating since 27th September 2024, I do not see any reason why it should not operate till notice of motion for interim relief is heard finally by the City Civil Court.

6. Learned counsel for the appellants submits that the earlier date of 25th January 2025 is now further adjourned to 6th February 2025.

7. Appeals from order are disposed of by passing the following order :

(i) The protection granted by the City Civil Court on 27th September 2024 shall continue till the next date i.e. 6th February 2025.

(ii) The appellants would be at liberty to make appropriate

application before the City Civil Court for extension of the order in the event the notice of motion is not heard on the next date. If the application is filed for extension of interim protection, the same shall be favourably considered, if the notice of motion is not heard on the next date.

8. All the appeals from orders are disposed of in the above terms.

9. In view of disposal of the appeals from orders, interim applications are disposed of as infructuous.

[GAURI GODSE, J.]