

MJ Jadhav

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER (ST) NO. 30147 OF 2024
WITH
INTERIM APPLICATION NO. 482 OF 2025
IN
APPEAL FROM ORDER (ST) NO. 30147 OF 2024**

The Municipal Corporation of Greater Mumbai and Anr. ... Appellants/Applicants

vs.

M/s. Shree Swami Samarth Developers Through Its Prop. Sandeep Prabhakar Jalgaonkar ... Respondent

Ms. Geeta Shastri a/w Om Suryavanshi for the Appellant/Applicant-BMC.

Mr. Mohinis Shinde, J. E. (B&F) 'S' Ward, Present.

CORAM : GAURI GODSE, J.

DATED : 27th JUNE 2025

ORDER:

1. Pursuant to the order passed by this Court, the copy of bailiff report is placed on record.
2. I have perused the bailiff report. Though, the address was traceable to the bailiff, the notice is returned unserved. The copy of bailiff report be placed before the learned Registrar (Judicial-I)

to call for an explanation as to why the notice was not served by affixing, when the address was found by the concerned bailiff. Necessary report be placed on record of this appeal before the returnable date.

3. Learned counsel for the applicants-Corporation submits that the address mentioned in the cause title of the appeal is the registered address provided by the respondent, who is the plaintiff in the suit. She submits that the respondent is avoiding service of notice. She further submits that in view of the impugned order granting injunction, the respondent is likely to complete the illegal construction and create third party rights in respect of the suit property.

4. Service affidavit tendered on record shows that the copy is received on behalf of the respondent at the same address. The person receiving the notice has also written the contact numbers on the private notice.

5. Office is therefore directed to issue notice by post to the respondent on the same address alongwith the particulars of the telephone numbers noted on the receipt of private notice as per the service affidavit filed on behalf of the applicants.

6. The notice to be issued alongwith the copy of this order.

The respondent is put to notice that in spite of service by post, if none appears for the respondent, appropriate orders shall be passed in the absence of the respondent. The applicants are also permitted to give private notice to the respondent alongwith copy of this order and file service affidavit on record.

7. Returnable date in the application is extended till 30th July 2025.

8. On the next date, the application to be listed under the caption 'for directions'.

(GAURI GODSE, J.)