

varsha

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 482 OF 2025
WITH
INTERIM APPLICATION(ST) NO. 30150 OF 2024
IN
APPEAL FROM ORDER (ST) NO. 30147 OF 2024**

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

vs.

M/s. Shree Swami Samarth Developers through its Prop. Sandeep Prabhakar Jalgaonkar ... Respondent

Ms. Geeta Shastri a/w. Mr. Om Suryavanshi for Appellants-BMC.

Mr. Darshan Jain h/f. Mr. Kedalkar for Respondent.

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

CORAM : GAURI GODSE, J.

DATED : 30th JULY 2025

ORDER:

1. Pursuant to the directions issued on 29th June 2025 calling for an explanation regarding the bailiff's report, the explanation is placed on record in the sealed envelope. I have opened the sealed envelope and perused the explanation of the concerned bailiff.

2. Considering the explanation of the concerned bailiff, I find it

appropriate that the explanation be placed before the learned Registrar (Judicial-I) for verifying the relevant rules, and if found necessary, take appropriate action. Learned Registrar (Judicial-I) after verifying the concerned rules and explanation given by the concerned bailiff shall submit a report on record. Necessary report be placed on record of this appeal within six weeks.

INTERIM APPLICATION NO. 482 OF 2025.

3. This interim application is for condonation of delay of 45 days in filing the appeal. Learned counsel for the corporation relies upon the explanation given in paragraph no. 4 of the application. She submits that the delay in filing the appeal is unintentional and it has occurred only due to time taken for procedural requirements. She submits that considering the large number of litigations, the corporation required sometime to prepare the appeal. She therefore submits that the delay is unintentional.

4. The respondent is served and is represented through an advocate. Learned counsel for the respondent submits that vague reasons are mentioned in the application and the same are not believable.

5. I have perused the reasons given in the application. The factual aspects pleaded in the application are not disputed by filing

any affidavit-in-reply. I see no ground to disbelieve the reasons stated in the application. The reasons for delay condonation are acceptable and justifiable. For the reasons stated in the application, the delay is condoned and the application is allowed in terms of the prayer clause (a).

6. So far the appeal is concerned, learned counsel for the respondent seeks time. Considering the urgency, learned counsel for the corporation requests for an early date.

7. List the appeal for 'admission' on 18th August 2025.

8. To be listed High on Board in the caption of 'fresh admission'.

9. Considering the allegations against the respondent regarding unauthorised construction, the respondent shall not create any third party rights till the next date.

(GAURI GODSE, J.)