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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 15284 OF 2024
IN
APPEAL FROM ORDER (ST) NO. 28922 OF 2024**

Rukhsana Abdul Rahim ... Appellants/Applicants

Badra and Others

Vs.

Municipal Corporation of ... Respondent

Greater Mumbai

Mr. Uzair Kazi i/b. YMK Legal a/w. Mr. Rohit Vaishya for the
Appellants/Applicants.

Ms. Neeta Jadhav i/b. Ms. Komal Punjabi for Respondent – BMC.

CORAM : GAURI GODSE, J.

DATE : 7th APRIL 2025

ORDER :

1. Learned counsel for the appellants submits that the suit notice is not yet implemented. He further submits that the plaintiff no. 1 expired on 22nd July 2021 and the motion was decided on 25th July 2023. He submits that the heirs and legal representatives of plaintiff no. 1 are brought on record in the suit. He submits that the present appeal is filed on behalf of the heirs and legal representatives of deceased plaintiff no. 1 along with other plaintiff.

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2. Learned counsel for the appellants submits that since the suit was filed on an urgent basis as there was threat of demolition, the necessary pleadings regarding the existence of the offending structure since the beginning is not specifically pleaded. He therefore submits that the plaintiff be granted liberty to amend the plaint to bring on record the correct status of the suit structure and revive their prayer for interim relief.

3. Learned counsel for the corporation seeks time to find out the status of the notice impugned in the suit.

4. To enable the learned counsel for the corporation to take appropriate instructions, list the appeal on 25th April 2025. To be listed under the caption for “Directions”.

5. It is clarified that if the corporation has not yet taken any action for implementing the suit notice, no further action be taken till the next date.

[GAURI GODSE, J.]