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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**APPEAL FROM ORDER NO. 32 OF 2025
WITH
INTERIM APPLICATION NO. 437 OF 2025
IN
APPEAL FROM ORDER NO. 32 OF 2025**

Mukesh Ramesh Bajaj

.....Appellant

Vs.

Brihanmumbai Municipal Corporation
M-West Ward and anr

.....Respondents

Mr. Shobhit Shukla for the appellant
Mr. Om Suryawanshi for respondent BMC

CORAM : GAURI GODSE, J.

DATE : 14th JANUARY 2025

ORDER:

1. Learned counsel for the appellant has tendered an undertaking dated 13th January 2025 signed by the appellant. The undertaking is taken on record.

2. Learned counsel for the appellant seeks leave to withdraw the suit with liberty to file appropriate application for regularisation of the suit structure. He further submits that in the undertaking, the appellant

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has stated that in the event his regularisation application is not decided favourably, he shall accept the impugned order and the impugned notice, subject to his right to appeal as permissible in law.

3. Learned counsel for the Corporation is served with a copy of the undertaking. He submits that in the event the regularisation application is filed as stated in the undertaking, the respondent shall not take any coercive action pursuant to the impugned notice and the impugned order till the application for regularisation is decided.

4. In view of the aforesaid, following order is passed.

ORDER

(I) Appellant is permitted to withdraw the Suit No. 75 of 2025 filed before City Civil Court, Mumbai with liberty to file application for regularisation of the structure as permissible in law, within four weeks from today.

(II) Subject to filing the application for regularisation within time granted, the impugned order and the impugned notice in the suit shall not be implemented till the regularisation application is decided.

(III) Regularisation application, if filed within the time granted, respondent-corporation shall decide the same within four weeks thereafter.

(IV) In the event, result of the regularisation application is adverse to the appellant, the impugned notice and the order impugned in the suit shall not be implemented for a period of two weeks from the date of decision of regularisation application.

5. Appeal from order is disposed of in aforesaid terms.

6. In view of disposal of appeal from order, Interim Application No. 437 of 2025 is disposed of as infructuous.

[GAURI GODSE, J.]