

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**APPEAL FROM ORDER NO. 226 OF 2025
WITH
INTERIM APPLICATION NO. 7163 OF 2025
IN
APPEAL FROM ORDER NO. 226 OF 2025**

Ganpat Shankar Chougule ...Appellant
Versus
The Municipal Corporation of Greater Mumbai
R/South Ward Office ...Respondent

**WITH
APPEAL FROM ORDER NO. 227 OF 2025
WITH
INTERIM APPLICATION NO. 7164 OF 2025
IN
APPEAL FROM ORDER NO. 227 OF 2025**

Shabbiruddin Badruddin Ansari ...Appellant
Versus
The Municipal Corporation of Greater Mumbai
R/South Ward Office ...Respondent

**WITH
APPEAL FROM ORDER (ST.) NO. 12987 OF 2025
WITH
INTERIM APPLICATION (ST.) NO. 12988 OF 2025
IN
APPEAL FROM ORDER (ST.) NO. 12987 OF 2025**

Tapindra B. Singh ...Appellant
Versus
The Municipal Corporation of Greater Mumbai
R/South Ward Office ...Respondent

**WITH
APPEAL FROM ORDER (ST.) NO. 12989 OF 2025
WITH
INTERIM APPLICATION (ST.) NO. 12990 OF 2025
IN**

APPEAL FROM ORDER (ST.) NO. 12989 OF 2025

Laxmi Laxman Bhagne ...Appellant
Versus
The Municipal Corporation of Greater Mumbai
R/South Ward Office ...Respondent

**WITH
APPEAL FROM ORDER (ST.) NO. 12989 OF 2025
WITH
INTERIM APPLICATION (ST.) NO. 12990 OF 2025
IN
APPEAL FROM ORDER (ST.) NO. 12989 OF 2025**

Laxmi Laxman Bhagne ...Appellant
Versus
The Municipal Corporation of Greater Mumbai
R/South Ward Office ...Respondent

**WITH
APPEAL FROM ORDER (ST.) NO. 12996 OF 2025
WITH
INTERIM APPLICATION (ST.) NO. 12997 OF 2025
IN
APPEAL FROM ORDER (ST.) NO. 12996 OF 2025**

Vasant Dhakatu Gopal ...Appellant
Versus
The Municipal Corporation of Greater Mumbai
R/South Ward Office ...Respondent

Mr. P. J. Thorat a/w. J. S. Yadav i/b B. P. Shukla for the Appellant in all Appeals.

Ms. Pooja Khandeparkar a/w. Ms. Neeta Jadhav, Mr. Om Suryawanshi i/b Ms. Komal Punjabi for the Respondents.

Shri Manish Salve, Assistant Commissioner R/s Ward is present.

Shri Abhay Jagtap, Designated Officer/EE (B&R) R/s Ward is present.

Mr. Aadil Parsurampururia a/w. Ms. Darshana Vora i/b Ms. Mahul Rathod for the Intervener.

CORAM : GAURI GODSE, J.

DATE : 9th APRIL 2025

P.C.:

1. These Appeals are preferred for challenging dismissal of the Notice of Motion seeking protection against demolition of the suit structures. The suits are filed for seeking injunction against the corporation from demolition of the suit structures without following due process of law.

2. The learned Counsel appearing for the Appellants submits that pending the Notice of Motion, there was ad-interim protection granted on 25th October, 2024. He submits that the Notice of Motion is dismissed on 8th April, 2025. However, a copy of the order is not available. He submits that the prayer for extension of the ad-interim relief is also rejected. He, therefore submits that the ad-interim relief which was operating during the pendency of the Notice of Motion be extended.

3. The learned Counsel for the Corporation vehemently opposed the extension of ad-interim relief. She submits that parallel proceedings are pending before the Division Bench of this Court. She placed on record order dated 28th January, 2025 passed in Writ Petition (L) No. 3858 of 2024. She however does not dispute that when order dated 28th January, 2025 was passed, the present Appellants were not a party to the Petition. The Petitioners in the said Writ Petition are appearing in this Appeal and seeking leave to intervene.

4. The learned Counsel for the Petitioner submits that the present Appellants are now added as party Respondents in the Writ Petition and a copy of the Petition is dispatched to the Appellants through post. However, there is no dispute that there is no order passed against these Appellants.

5. The Appellants have a statutory right to file Appeal and are entitled to be heard. However, in the absence of the copy of the impugned order, it will not be possible for this Court to examine the rival submissions. Since the copy of the order is not yet available, and there was already an ad-interim operating in favour of the Appellants, I do not see any ground for not continuing the ad-interim protection at least till the impugned orders are made available to the Appellants and their appeals are heard by this court.

6. List these Appeals on 22nd April, 2025. To be listed High On Board under the caption for admission.

7. Till the next date, the ad-interim relief granted by City Civil Court on 25th October, 2024, shall continue.

[GAURI GODSE, J.]