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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 236 OF 2025**

Mr. Abdul Nasir Ahmed through its C.A. Mr. ... Appellant
Muhammad Kunhi M.K.

vs.

The Municipal Corporation of Greater Mumbai ... Respondent

WITH

**INTERIM APPLICATION(ST) NO. 13447 OF 2025
IN**

APPEAL FROM ORDER NO. 236 OF 2025

Mukesh s/o. Ratanji Chudasama ... Applicant

IN THE MATTER BETWEEN

Mr. Abdul Nasir Ahmed through its C.A. Mr. ... Appellant
Muhammad Kunhi M.K.

vs.

The Municipal Corporation of Greater Mumbai ... Respondent

Mr. Anand Mishra i/b. Mr. Ashok Saraogi for Appellant

Mr. V.V. Ugle for Applicant in IAST/13447/25.

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

Mr. Ganesh Deshmukh, JE, B & F L Ward.

CORAM : GAURI GODSE, J.

DATED : 28th APRIL 2025

ORDER:

1. This appeal is preferred by the plaintiff to challenge the

refusal of the grant of ad-interim relief. Learned counsel for the appellant submits that the City Civil Court had granted protection by order dated 5th January 2024 and the corporation was directed to consider the plaintiff's reply and pass a fresh speaking order. In the event, the order was adverse to the plaintiff, protection was granted for a period of one week. He submits that after the speaking order was passed, the plaintiff filed a fresh notice of motion. However, ad-interim relief is refused on 5th April 2025. Hence, this appeal.

2. Learned counsel for the appellant submits that when the reply was filed on behalf of the appellant, a copy of the construction plan and completion certificate was not available. However, now the copies are available and he has produced the same before the concerned designated officer. He submits that the appellant shall produce a fresh copy before the designated officer. He submits that the designated officer be directed to examine the construction plan and completion certificate.

3. Learned counsel for the corporation on instructions of Mr. Ganesh Deshmukh, Junior Engineer submits that the designated officer shall examine the construction plan and completion certificate submitted by the appellant and pass a fresh speaking order in accordance with law. She submits that since the construction plan

and completion certificate are old, within a period of four weeks the designated officer shall pass a fresh speaking order. Statement made on behalf of the concerned designated officer is accepted.

4. In view of the aforesaid, the appeal is disposed of by passing the following order:

I) The appellant shall submit a copy of the construction plan and completion certificate and any other supporting documents before the concerned designated officer within one week from today.

II) The concerned designated officer shall pass a fresh speaking order within four weeks thereafter in accordance with law.

III) Till a fresh speaking order is passed, the impugned notice and speaking order challenged in the suit shall not be implemented.

IV) If the fresh speaking order is adverse to the appellant, the same shall not be implemented for a period of four weeks from the date of intimating the same to the appellant, to enable the appellant to adopt appropriate proceedings as permissible in law.

5. The appeal is disposed of in aforesaid terms.
6. In view of disposal of the appeal, the pending applications are disposed of as infructuous.

(GAURI GODSE, J.)