

Iresh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**APPEAL FROM ORDER NO. 252 OF 2025
WITH
INTERIM APPLICATION NO. 7635 OF 2025**

Hotel Sahil Private LimitedAppellant

Vs.

The Mumbai Municipal Corporation ofRespondent
Greater Bombay

Mr. Pradeep Thorat a/w Mr. Zulfiqar Jariwala, Ms. Sakshi Jain
i/b Jariwala Associates for the appellant

Mr. Hasan M. Ms. Rujuta Patil i/b Negandhi Shah and
Himayatullah for respondent no. 4

Mr. Om Suryawanshi i/b Ms. Komal Punjabi for respondent-
BMC

CORAM : GAURI GODSE, J.

DATE : 12th AUGUST 2025

IRESH
MASHAL

Digitally
signed by
IRESH
MASHAL
Date:
2025.08.16
14:50:45
+0530

ORDER:

1. This appeal is preferred by the plaintiff to challenge the refusal to grant ad-interim relief. The suit is filed to challenge the notice under Section 351 of The Mumbai Municipal Corporation Act, 1888 ('MMC Act') and the speaking order. This Court vide order dated 24th April 2025 has granted protection by directing that no coercive action shall be taken to implement the notice and the speaking order impugned in the suit.

2. Learned counsel for the appellant submits that the Notice of Motion is kept for hearing before the City Civil Court tomorrow. Respective counsels for the parties agree that the ad-interim protection granted on 24th April 2025 can continue during the pendency of Notice of Motion. Learned counsel for the respondent submits that the Motion be decided on its own merits, uninfluenced by the protection granted by this Court and the parties be directed to cooperate for early disposal of the Motion.

3. Since the Notice of Motion is still pending and I do not find it appropriate to record any reasons as the same is likely to cause prejudice to the rival contentions of the parties on merits.

4. Hence, the Appeal From Order is disposed of by passing the following order:

ORDER

I. The impugned order dated 23rd April 2025 in Notice of Motion No. 763 of 2025 is quashed and set aside.

II. During the pendency of Notice of Motion No. 763 of 2025, no coercive action shall be

taken against the appellant in respect of the suit structure.

III. Notice of Motion shall be decided on its own merits in accordance with law, uninfluenced by any of the observations made in this appeal in any of the orders.

IV. Rival contentions of the parties on merits are kept open.

V. The parties shall cooperate for early disposal of the Motion and shall not seek unnecessary adjournments.

5. Appeal From Order is disposed of in aforesaid terms.

6. In view of disposal of appeal, pending applications, if any, are disposed of as infructuous.

[GAURI GODSE, J.]