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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 291 OF 2025
WITH
INTERIM APPLICATION NO. 8243 OF 2025

Vinayakaa Apar Realtors LLP through ... Appellants/Applicants
Partner Mr. Vikrant Kale and Ors

vs.

Municipal Corporation of Greater Mumbai ... Respondents
through Assistant Commissioner and Ors

Mr. Shailendra Kanetkar a/w. Mr. Raj Awasthi and Shivraj Patne i/b.

Ms. Pragya Mishra for Appellants.

Mr. S.U. Kamdar a/w. Ms. Neeta Jadhav i/b. Ms. Komal Punjabi for
Respondent-BMC.

Mr. Uttam Juvlekar, A.E, BP, L Ward, Mr. Kisan Gohil, S.E. BP, L
Ward, Mr. Sandeep Kharat , A.E, BF Lward, Mr. Vishal Bhalekar, AE,
Water Department, L ward were present.

CORAM : GAURI GODSE, J.

DATED : 9th MAY 2025

ORDER:

1. This appeal was urgently circulated to challenge the refusal of grant of ad-interim relief. Learned counsel for the appellant- original plaintiff submits that the pending suit before the City Civil Court, there was an order directing the corporation not to take any coercive steps against the suit structure. The said order is passed on 28th

February 2025. He submits that in breach of the order the corporation has disconnected water supply and electricity connection without following any due process of law. Hence, notice of motion is filed under Order XXXIX Rule 2A of Civil Procedure Code, read with Section 11 of Order XXXIX. He submits that pending the motion, the plaintiff had prayed for necessary directions to forthwith restore the water and electricity connection. He submits that by the impugned order, the prayer seeking ad-interim relief is rejected on 3rd May 2025. Notice of motion is still pending.

2. Learned senior counsel appearing for the corporation on instructions submits that the water connection will be restored forthwith during the course of the day. So far as electricity is concerned, he on instructions submits that necessary intimation shall be issued today to Adani Electricity Mumbai Limited for the restoration of the electricity connection. The statements made on instructions of Mr. Uttam Juvlekar, Assistant Engineer, on behalf of the corporation are accepted as undertakings to this court.

3. Learned counsel for the corporation further seeks leave to file appropriate application before the City Civil Court in the pending suit seeking appropriate modification of the order, including any other appropriate relief. Liberty is granted to the corporation as prayed.

4. It is clarified that if any such application is filed, the appellant would be entitled to respond to the same by filing reply. If such application is filed, the same shall be decided on its own merits in accordance with law.
5. In view of the aforesaid, nothing survives for any further consideration in the appeal. The appeal is therefore disposed of in the aforesaid terms.
6. All rival contentions of the parties on merits in the notice of motion and the suit are kept open.
7. In view of disposal of the appeal, the pending applications are disposed of as infructuous.
8. Parties to act on the authenticated copy of this order.

(GAURI GODSE, J.)