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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 474 OF 2025
WITH
INTERIM APPLICATION NO. 11116 OF 2025**

Mr. Anup Madhu Karnik ... Appellant/Applicant

vs.

The Municipal Corporation of Greater ... Respondents
Mumbai and Others

Mr. Jagdish Narayanrao Jayale for Appellant.

Mr. Om Suryavanshi i/b. Ms. Komal Punjabi for Respondent-BMC.

CORAM : GAURI GODSE, J.

DATED : 20th AUGUST 2025

ORDER:

1. This application is filed by the plaintiff to challenge the refusal to grant ad-interim relief. The prayers in the suit are to challenge the refusal to grant permission for a temporary monsoon shed as applied by the plaintiff. The order challenged in the suit refers to a notice issued under Section 354A of the Mumbai Municipal Corporation Act('MMC') for the same area and for the same structure, which is sub-judiced in the City Civil Court.

2. Learned counsel for the corporation submits that the notice of

motion is still pending and the corporation shall file affidavit-in-reply on the next date.

3. Considering the reasons stated in the order impugned in the suit, the prayer for interim relief is required to be examined after the reply is filed by the corporation. At this stage, ad-interim relief as prayed cannot be considered without the reply of the corporation.

4. Any further reasons recorded in this appeal is likely to cause prejudice to the rights and contentions of the parties on the merits of the suit and the notice of motion. Hence, I do not find it appropriate to record any further reasons.

5. The corporation shall file affidavit-in-reply to the notice of motion on or before the next date in the City Civil Court. The notice of motion shall be decided on its own merits in accordance with law and uninfluenced by the observations in the impugned order.

6. All the rival contentions of the parties on merits are kept open.

7. The Appeal from Order is disposed of, subject to the aforesaid observations.

8. In view of the disposal of the appeal, the pending applications are disposed of as infructuous.

9. Learned counsel for the appellant submits that the next date

in the trial court is 10th December 2025. The appellant is therefore granted liberty to apply for preponement after giving notice to the corporation.

(GAURI GODSE, J.)