

Iresh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**APPEAL FROM ORDER NO. 57 OF 2025
WITH
INTERIM APPLICATION NO. 1008 OF 2025
IN
APPEAL FROM ORDER NO. 57 OF 2025**

Himalay Pannalal Dassani and ors

.....Appellants

Vs.

Municipal Corporation of Greater Mumbai
and anr

.....Respondents

Mr. Akshay Pawar a/w Ms. Vaishali Takke for the appellants
Mr. Om Suryavanshi for respondent-BMC

CORAM : GAURI GODSE, J.

DATE : 29th JANUARY 2025

ORDER:

1. Learned counsel for the appellants on instructions seeks leave to withdraw the appeal without prejudice to the appellants' rights and contentions against the owner/landlord of the suit premises. The appellants seek four weeks time to remove the offending structure as per the impugned notice dated 15th February 2011.

2. Leave granted. The appeal is disposed of as withdrawn.

3. The appellants' rights and contentions against the owner/landlord in respect of the suit property are kept open.

4. The appellants are granted four weeks time to remove the offending structure as per impugned notice dated 15th February 2011. The statement made on behalf of the appellants for removal of offending structure within four weeks is accepted as an undertaking to this Court. In view of the undertaking, the Corporation shall not take any coercive action for a period of four weeks as per impugned notice dated 15th February 2011.

5. It is clarified that this Court has not examined the rival contentions on merits. Hence, all contentions of all the parties including the owner/landlord of the suit premises are kept open.

6. The appeal is disposed of as withdrawn, with the liberty recorded above.

7. In view of disposal of the appeal, interim application also stands disposed of as withdrawn.

[GAURI GODSE, J.]