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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**APPEAL FROM ORDER NO. 96 OF 2025
WITH
INTERIM APPLICATION NO. 1684 OF 2025
IN
APPEAL FROM ORDER NO. 96 OF 2025**

Mohsin Hafees Khan

.....Appellant

Vs.

Municipal Corporation of Greater Mumbai

.....Respondent

Mr. J. S. Yadav i/b B. S. Shukla for the appellant
Mr. Santosh Parad for respondent BMC

CORAM : GAURI GODSE, J.

DATE : 28th MARCH 2025

ORDER:

1. Learned counsel for the appellant submits that the appellant is willing to file appropriate proceeding under The Maharashtra Slum Areas (Improvement, Clearance and Development) Act, 1971 ("The Slum Act"). He therefore on instructions seeks leave to withdraw the suit with liberty to file appropriate proceedings under the Slum Act.

2. He further requests that the appellant be granted liberty to seek benefit of the pendency of the civil proceeding for seeking condonation

of delay, if any, in filing appropriate proceeding under the Slum Act.
Leave granted with liberty as prayed.

3. The appeal is therefore disposed of by passing following order :

(i) The appellant is permitted to withdraw L.C. Suit No. 166 of 2025 pending before the City Civil Court, Bombay.

(ii) The appellant is at liberty to file appropriate proceeding as permissible under the provisions of the Slum Act.

(iii) It is clarified that the appellant would be entitled to seek benefit of the period of pendency of the suit for seeking condonation of delay, if any, in filing appropriate proceeding under the Slum Act.

(iv) All rival contentions of the parties on merits are kept open.

(v) In view of the aforesaid, nothing survives in the appeal from order. Hence, appeal from order is disposed.

(vi) In view of disposal of the appeal from order, interim application is disposed of as infructuous.

(vii) To enable the appellant to file appropriate proceedings under the Slum Act, no coercive action to be taken against the appellant's structure for a period of two weeks from today.

(viii) It is clarified that the interim protection is granted subject to the appellant adopting appropriate proceedings under the Slum Act within two weeks from today.

(ix) The appellant would be at liberty to apply for appropriate interim protection in the proposed proceeding under the Slum Act.

[GAURI GODSE, J.]