Iresh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 180 OF 2025
WITH
INTERIM APPLICATION NO. 3835 OF 2025
IN
APPEAL FROM ORDER NO. 180 OF 2025

M/s. Hind Welfare Society .....Appellant
Thr. Chairman Mr. Mohammed
Ayub Rahamulla Choudhary

Vs.

The Asst. Engineer (Building and .....Respondents
Factory-II, P-South Ward) and anr

Mr. Angad Giri for the appellant
Mr. Om Suryawanshi for respondent-BMC

CORAM : GAURI GODSE, J.

DATE : 21st MARCH 2025

IRESH MASHAL

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Date: 2025.03.24 12:48:19 +0530

ORDER:

1. Heard learned counsel for the appellant. This appeal is preferred to challenge the order dated 12th December 2024 and 13th December 2024. By order dated 12th December 2024, the next date given was 13th December 2024. On 13th December 2024, the matter was adjourned to 18th December 2024 for reply of the Corporation.

2. Learned counsel for the appellant submits that refusal to pass any order on the motion itself amounts to refusal to grant ad-interim relief. Hence, the appellant has filed this appeal.

3. The suit is filed to challenge the notice issued under Section 488 of the Mumbai Municipal Corporation Act. A perusal of the notice indicates that the notice is issued for inspection of the suit premises.

4. Learned counsel for the appellant submits that the notice is issued without any jurisdiction.

5. Since the notice of motion is still pending, I do not find any reason to grant any ad-interim relief at this stage. The notice impugned in the suit only intimates the society for carrying out the inspection. Hence, there is no case made out for grant of ad-interim relief. The appeal is devoid of any merits.

6. Hence, the appeal is dismissed.

7. In view of dismissal of appeal, Interim Application No. 3835 of 2025 is disposed of as infructuous.

8. Learned counsel for the appellant insists that the directions be issued for early disposal of the notice of motion.

9. I do not see any merit in the said submission. Hence, the said prayer is also dismissed.

[GAURI GODSE, J.]