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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**SECOND APPEAL ST NO. 9548 OF 2025
WITH
INTERIM APPLICATION NO. 4001 OF 2025
IN
SECOND APPEAL NO. 9548 OF 2025**

Rupesh Trimbak Khare

.....Appellant

Vs.

B. G. Shirke Construction Technology Pvt.
Ltd.

.....Respondent

**WITH
SECOND APPEAL ST NO. 9551 OF 2025
WITH
INTERIM APPLICATION NO. 3999 OF 2025
IN
SECOND APPEAL ST NO. 9551 OF 2025**

Navnath Dagadu Sarvade

.....Appellant

Vs.

B. G. Shirke Construction Technology Pvt.
Ltd.

.....Respondent

**WITH
SECOND APPEAL ST NO. 9553 OF 2025
WITH
INTERIM APPLICATION NO. 4002 OF 2025
IN
SECOND APPEAL ST NO. 9553 OF 2025**

Rahul Dasu Suryawanshi

.....Appellant

Vs.

B. G. Shirke Construction Technology Pvt.Respondent
Ltd.

WITH
SECOND APPEAL ST NO. 9555 OF 2025
WITH
INTERIM APPLICATION NO. 3998 OF 2025
IN
SECOND APPEAL ST NO. 9555 OF 2025

Savita Mahendra WaghmareAppellant

Vs.

B. G. Shirke Construction Technology Pvt.Respondent
Ltd.

WITH
SECOND APPEAL ST NO. 9557 OF 2025
WITH
INTERIM APPLICATION NO. 4003 OF 2025
IN
SECOND APPEAL ST NO. 9555 OF 2025

Sunanda Sunil NaiknawareAppellant

Vs.

B. G. Shirke Construction Technology Pvt.Respondent
Ltd.

WITH
SECOND APPEAL ST NO. 9559 OF 2025
WITH
INTERIM APPLICATION NO. 4005 OF 2025
IN
SECOND APPEAL ST NO. 9559 OF 2025

Rukmini Machindra Prakshale

....Appellant

Vs.

B. G. Shirke Construction Technology Pvt.
Ltd.

.....Respondent

**WITH
SECOND APPEAL ST NO. 9561 OF 2025
WITH
INTERIM APPLICATION NO. 4004 OF 2025
IN
SECOND APPEAL ST NO. 9561 OF 2025**

Shila Kundlik Ovhal

....Appellant

Vs.

B. G. Shirke Construction Technology Pvt.
Ltd.

.....Respondent

**WITH
SECOND APPEAL ST NO. 9563 OF 2025
WITH
INTERIM APPLICATION NO. 4006 OF 2025
IN
SECOND APPEAL ST NO. 9563 OF 2025**

Popat Baliram Kakde

....Appellant

Vs.

B. G. Shirke Construction Technology Pvt.
Ltd.

.....Respondent

Mr. Bharat Gadhavi a/w Mr. Aniket Shitole, Mr. Sarvesh Deshpande
and Mr. Vinayak Shelar i/b Trushna Shah for the appellants
Mr. Vineet Naik, Senior Advocate (through VC), Mr. Madhur Surana,
Ms. Prangana Barua, Mr. Mufaddal Paperwala i/b M/s. Crawford Bayley

and Co. for respondent no. 1

Mr. Deepak More for respondent no. 2

CORAM : GAURI GODSE, J.

DATE : 19th MARCH 2025

ORDER:

1. These second appeals are filed by original plaintiffs to challenge the rejection of their respective complaints under Order VII Rule 11 of the Civil Procedure Code, 1908. The plaintiffs had filed separate appeals in the district court to challenge trial court's order. However, all the appeals are dismissed by passing separate orders in each appeal.

2. A separate group of occupants of the same area that is subject matter of the notification under the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 had filed separate second appeals in this Court challenging similar orders. The group of second appeals are dismissed on 17th February 2025.

3. Learned counsel for the appellants submits that the facts and arguments on behalf of the plaintiffs in these appeals are identical to the facts and arguments in the group of second appeals decided on 17th February 2025. He submits that the arguments regarding the

submissions on behalf of the present appellants are also the same as that were made in the group of appeals which are already dismissed. He submits that there is no other new ground raised in these appeals.

4. I have perused papers of these second appeals. The facts and the grounds raised in these appeals are identical to the group of appeals decided on 17th February 2025. Since learned advocate for the appellants agrees that the reasons recorded in the earlier order would cover the grounds raised in these appeals, I do not find it necessary to repeat the submissions and the reasons for deciding these appeals.

5. Since the parties agree that the reasons in the connected appeals would also apply to these appeals and since the arguments on behalf of the appellants are also the same, these second appeals also do not raise any substantial question of law. Learned counsels for the parties agree that separate reasons are not necessary for deciding these appeals.

6. Hence, in view of order dated 17th February 2025 passed in Second Appeal Stamp No. 5134 of 2025 and connected second appeals, these second appeals are also dismissed.

7. Learned counsel for the appellants submits that the interim protection granted in the connected appeals be also granted in these appeals. He submits that as directed in the connected appeals, present appellants would also file necessary undertaking before this Court.

8. In view of the aforesaid, these second appeals are dismissed.

9. Subject to the appellants filing an undertaking before this Court stating that they would vacate and remove their structures in the event favourable orders are not passed by the Hon'ble Apex Court, the ad-interim protection granted by this Court on 13th March 2025 shall continue for a period of four weeks from today. The undertaking shall also state that the appellants shall not create any third party interest or part with possession in favour of any third party.

10. Necessary undertaking to be filed in this Court within one week. It is clarified that if affidavit-cum-undertaking as directed above is not filed within a week, the protection granted by this Court shall stand vacated without further reference to the Court.

11. In view of disposal of the second appeals, all the interim

applications are disposed of as infructuous.

12. In view of the liberty granted vide order dated 13th March 2025, learned advocate for the appellants has tendered his affidavit stating the difficulties faced at the time of E-filing the second appeals.

13. I have gone through the affidavit. On perusal of the affidavit, I do not find that there was any delay on the part of the E-filing department to raise the objection and complete the process of E-filing. Hence, I do not find it necessary to pass any orders with regard to the grievance made by the learned advocate for the appellants regarding difficulties faced at the time of E-filing.

[GAURI GODSE, J.]