

Ajay

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**APPEAL FROM ORDER NO. 246 OF 2025
WITH
INTERIM APPLICATION NO. 7410 OF 2025
IN
APPEAL FROM ORDER NO. 246 OF 2025**

Shyamji Laxman Jogadia

Appellant
.. (Original Plaintiff)

Versus

Brihanmumbai Municipal Corporation and Ors. .. Respondents

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- Mr. S.S. Kanetkar a/w. Mr. Jitendra Shukla and Ms. Madhuri Raibaykar, Advocates for Appellant.
 - Mr. Chaitanya Chavan a/w Mr. D.R. Kawale i/by Ms. Komal Punjabi, Advocates for Respondent No.1 – BMC.
 - Mr. Kishor Patil a/w. Mr. Ashish Gatagat, Mr. Sachin Gangan, Mr. Pratik Rahade and Mr. Abhijit Patil, Advocates for Respondent No.2.
 - Mr. Satyajeet P. Dighe, Advocate for Respondent No.3 – MHADA.
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CORAM : MILIND N. JADHAV, J.

DATE : NOVEMBER 25, 2025.

P.C.:

1. Heard Mr. Kanetkar, learned Advocate for Appellant, Mr. Chavan, learned Advocate for Respondent No.1, Mr. Patil, learned Advocate for Respondent No.2 and Mr. Dighe, learned Advocate for Respondent No.3.

2. It is directed by this Court that Respondent No.3 shall physically inspect the suit premises on or before 02.12.2025 and furnish the copy of Report to the Appellant within a period of 3 days

i.e. by 05.12.2025 from the date of inspection.

3. Simultaneously, Appellant will furnish his fresh Representation to Respondent No.3 for deciding his eligibility with respect to Room No./Hut situated at 9(141-A) Pardiwala Chawl, Sitaram J. Marg, Lower Parel (West), Mumbai-400013 situated on plot No.212 of Lower Parel Division for deciding on eligibility of Appellant with respect to said premises within one (1) week from date of receipt of inspection report from MHADA.

4. Respondent No.3 is directed to decide on the eligibility of Appellant for Permanent Alternate Accommodation with respect to the said premises in accordance with law within a period of two (2) weeks from date of representation. Respondent No.3 is directed to give personal hearing to Appellant on the issue of eligibility. It is further directed that all parties shall remain present before MHADA on 09.12.2025 at 12:00 noon.

5. It is further directed that Respondent No.2 - Developer shall agree to allot Permanent Alternate Accommodation to Appellant in lieu of the said premises by executing and registering Agreement for Permanent Alternate Accommodation if Appellant is found eligible for the said premises. In view of the above circumstances, Appellant shall withdraw L.C Suit No.2670 of 2023, pending before the City Civil Court at Bombay in view of this order.

- 6.** Appellant is at liberty to challenge the order of Respondent No.3 if adverse to Appellant before the appropriate Authority in accordance with law. All rights and contentions of both the parties are expressly kept open.
- 7.** Appellant agrees to withdraw Writ Petition No.4124 of 2025 which is filed before this Court by Applicant for the same relief.
- 8.** Appellant agrees to vacate the said premises within one (1) week from the date of inspection by Respondent No.3 - MHADA.
- 9.** In default to vacate as agreed above, Respondent No.1 - BMC will evict Appellant forthwith after the deadline agreed with Police help and take further steps in accordance with law.
- 10.** Appeal From Order is disposed. Liberty to apply.
- 11.** In view of the above order, Interim Application No.7140 of 2025 is accordingly disposed.

[MILIND N. JADHAV, J.]

Ajay

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by AJAY
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