

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 7429 OF 2025
IN
FIRST APPEAL (ST) NO. 6559 OF 2025

M/s. Mittal Co-owners Thr. Its Co-owner Badal
Malliram Mittal And Anr.

...Applicants.

Versus

Municipal Corporation Of Greater Mumbai And
Ors.

...Respondents

Mr. Nikhil Wadikar i/b Nandu Pawar for the Applicants.
Mr. Pradeep Patil i/b Ms. Komal Punjabi for Respondent/MC.

CORAM : M.M. SATHAYE, J.

DATE : 8th JULY, 2025

P.C. :

1. Heard learned Counsel for the parties. This is an application by 2 members of Respondent No.3 Society seeking leave to file appeal challenging the impugned order dated 10.10.2023.

2. By order dated 21.04.2025, time was sought to file Affidavit-in-Reply by Respondent/Municipal Corporation. Time was granted. Despite the same, no reply is filed till date. Today also, learned Counsel for the Respondent/Municipal Corporation seeks adjournment for filing reply.

3. Learned Counsel for the Applicants has pointed out that while considering the delay condonation application, the nature of dispute and factual aspects indicating how the Applicants are affected by the impugned order, has already been captured in order dated 21.04.2025. Paragraphs 5 and 6 of the said order are reproduced below for the

purpose of better understanding.

“5. The fact remains that the Applicants who are members of the Respondent No.3-Society have been imposed with the obligation of paying the property tax. There was challenge to the ratable value fixed by the Respondent-Corporation which was ultimately passed on to the individual members of Respondent No.3-Society who are aggrieved by the fixation of ratable value. As the municipal appeal filed by the Respondent No. 3 to carry the same in Appeal. However, the Respondent No.3 was not desirous of challenging the said order. It was thus left to the present Applicants to take necessary steps to challenge the impugned order.

6. There is specific pleading that letter dated 3rd December 2024 was issued by Respondent No.3 giving its no objection for filing of Appeal after much persuasion by individual members. As the individual members were not party to the trial Court proceedings, there was delay in filing the present Appeal, as after obtaining permission, necessary steps have to be taken and the papers and proceedings had to be collected for filing Appeal.”

4. In view of the aforesaid, it is clear that the impugned order directly affects the rights of the Applicants and therefore, a case for leave to appeal is made out.

5. The application is accordingly allowed in terms of prayer clause (b), which reads as under:

“b) This Hon’ble Court may be pleased to grant leave to the Applicants to challenge the impugned order dated October 10, 2023 passed by the Addl. Chief Judge of Small Causes Court at Mumbai in Municipal Appeal No. 01 of 2022 by filing the captioned First Appeal.”

(M.M. SATHAYE, J.)