

varsha

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 325 OF 2025
WITH
INTERIM APPLICATION NO. 8516 OF 2025**

Mr. Santosh Pandurang Malgaonkar ... Appellant/Applicant

VS.

The Mumbai Building Repair Reconstruction ... Respondents
Board through its Chief Officer R and R and
Ors

Mr. Suresh M. Sabrad a/w. Mr. Vikram N. Walawalkar i/b. Mr.
Amey Sawant for Appellant.

CORAM : GAURI GODSE, J.

DATED : 17th JUNE 2025

ORDER:

1. Not on board. Taken on production board.
2. Learned counsel for the appellant submits that the suit structure is already demolished and the statement of the learned advocate for the MHADA is recorded in the impugned order that the plot is already allotted. He further submits that though the structure is demolished, the appellant is still in possession of the plot; hence, his possession be protected.
3. A perusal of notice of motion indicates that no such prayer

is made before the trial court. Learned counsel for the appellant therefore seeks leave to withdraw this petition with liberty to file appropriate application in the trial court for protecting the appellant's possession.

4. Leave granted with liberty as prayed.

5. To enable the appellant to seek appropriate relief to protect his possession, the appellant shall not be dispossessed for one week from today, if not yet dispossessed.

6. Appeal and the interim application are disposed of as withdrawn with the liberty recorded above.

(GAURI GODSE, J.)