

Iresh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER ST NO. 13625 OF 2025

WITH

INTERIM APPLICATION ST NO. 13626 OF 2025

INTERIM APPLICATION ST NO. 13984 OF 2025

Shree 1008 Digambar Jain
Mandir Trust and anr

.....Appellants

Vs.

M/s. Shah doshi and Company and anr

.....Respondents

WITH

INTERIM APPLICATION NO. 9209 OF 2025

Neminath Cooperative Housing
Society Ltd.

....Applicant

Vs.

Shree 1008 Digambar Jain
Mandir Trust and anr

.....Respondents

Mr. Surel Shah, Senior Advocate a/w Ms. Nidhi Chheda, Mr.
Chintan Chheda, Ms. Lakshita Patyal for the appellants

Mr. Drupad Patil a/w Mr. Om Suryawanshi i/b Ms. Komal Punjabi
for respondent BMC

Mr. Kausar Khan Pathan (A.E.) K/E Ward

Mr. Mahesh Randhe J.E. (B&F) K/E Ward

CORAM : GAURI GODSE, J.

DATE : 9th JULY 2025

IRESH
MASHAL

Digitally
signed by
IRESH
MASHAL
Date:
2025.07.11
11:05:08
+0530

ORDER:

1. This appeal is preferred by the plaintiff to challenge the rejection of Notice of Motion for interim relief. It arises out of L.C. Suit No. 2977 of 2022. This suit was filed to challenge the notice dated 20th December 2022 issued by the Corporation under Section 488 of The Mumbai Municipal Corporation Act, 1888 ('MMC Act'). Hence, the prayer for interim relief was for protection from acting upon the said notice.

2. Learned counsel for the Corporation submits that a subsequent notice dated 5th December 2024 was issued by the Corporation to implement the notice under Section 53(i) of The Maharashtra Regional and Town Planning Act, 1966 which stands confirmed upto the Hon'ble Apex Court. He submits that the said notice was subject matter of challenge in Suit No. 2698 of 2024 which is withdrawn by the appellant. He submits that pursuant to the notice dated 5th December 2024, the suit structure is demolished except for one wall which is recorded in order passed in Appeal From Order Stamp No. 13629 of 2025 dismissing the appeal on 8th July 2025 by this Court.

3. Learned counsel for the Corporation on instructions submits that in view of the implementation of subsequent notice dated 5th December 2024, nothing remains to be implemented pursuant to notice which is subject matter of challenge in the present appeal.

4. In view of the aforesaid statement made on behalf of the Corporation, nothing survives for consideration in the present appeal. Appeal From Order St No. 13625 of 2025 is therefore, disposed of in view of the statement made on behalf of the Corporation.

5. In view of disposal of the Appeal, pending interim applications are disposed of as infructuous.

[GAURI GODSE, J.]