



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.9371 OF 2025
IN
FIRST APPEAL NO.646 OF 2021

Homi Ghandhy

...Applicant

IN THE MATTER BETWEEN:

Bal Krishna R. Ghogre

...Appellant

Versus

Kersi P. Ghandhy & Ors.

...Respondents

Mr. Vivek Walavalkar a/w Mr. Dhiraj Chavan & Ms. Tanvi Parmar i/by
Ms. Sheetal Malvankar for the Applicant/Original Respondents.

Ms. Sapna Rachure for the Appellant.

CORAM : JITENDRA JAIN, J.

DATE : 16 DECEMBER 2025

P.C.:

1. As of today, Mr. Walavalkar, learned counsel for the applicant presses only prayer clause (d) and the remaining prayers will be pressed in other fresh proceedings as and when taken out. This is to ensure that the present application is worked out.

2. In prayer clause (d), the applicant has prayed that the appellant be directed to remove the temporary structure which is erected adjoining the suit property. Mr. Walavalkar has brought to my attention page 73 of the present interim application which is a colour photograph. In the said photograph, the structure below the mineral water, according to him, is illegal structure which needs to be removed.

3. Ms. Rachure appearing for the appellant-original defendant states that she has no objection, if the structure is found to be illegal and demolished.

4. Whether the structure at page 73 and subject matter of the present application is legal or illegal can be examined by the Corporation. The original plaintiff-respondent to inform the Corporation about the present structure which according to them is illegal. The Corporation to issue appropriate notice and after giving an opportunity of hearing to pass an order whether the structure is legal or illegal. If the structure is found to be illegal then the Corporation to direct demolition of the same. The exercise of informing the Corporation and ending with passing of the final order should be completed within six months from today.

5. Interim Application is disposed of in above terms.

[JITENDRA JAIN, J.]