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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 391 OF 2025
WITH
INTERIM APPLICATION NO. 9751 OF 2025**

Mr. Bharat Karsan Patel & Others ... Appellants

Vs.

Municipal Corporation of ... Respondents
Greater Mumbai

Mr. V. M. Kanade a/w. Mr. Jitendra Shah for the
Applicants/Appellants.

Mr. Om Suryavanshi i/b. Ms. Komal Punjabi for BMC.

Mr. Vijay Mankar, A.E. (B & F) P/N Ward

CORAM : GAURI GODSE, J.

DATE : 9th JULY 2025

ORDER :

1. This appeal is preferred by the plaintiffs to challenge rejection of the ad-interim relief. The suit is filed to challenge notice dated 17th June 2025 for disconnection of electricity and water supply on the ground that the suit premises is declared as C-1 category and notice under Section 354 of the Mumbai Municipal Corporation Act, 1888 ("MMC Act") is already issued.

2. Learned counsel for the corporation points out the structural audit report to support his submissions that the suit structure situated in Chawl No. 49/19 is also part of the structural audit report which declares the building as C-1 category. He submits that the corporation will file an affidavit to the notice of motion within a week. He further submits that the next date in the suit is 31st July 2025.

3. Since electricity and water supply is already disconnected, learned counsel for the appellants seeks liberty to apply before the trial court for preponment of the date.

4. Learned counsel for the corporation submits that the affidavit in reply to the notice of motion shall be served upon the learned Advocate for the plaintiffs within a week to enable them to apply for preponement of the date.

5. In view of the urgency on the ground that the electricity and water supply is disconnected, the plaintiffs are granted liberty to apply for preponement of the date before the trial court after the reply is served by the corporation within a week.

6. Since notice of motion is yet to be heard by the trial court, I do not find it appropriate to record any findings at this stage as the same is likely to prejudice the rival contention of the parties on merits in the notice of motion and the suit. Hence, it is clarified that all rival contentions of the parties on merits of the suit including the contentions raised in the present appeal are kept open.

7. The plaintiffs are also at liberty to file appropriate application in the suit for restoration of the electricity and water supply. If such an application is filed, the same shall be decided on its own merits in accordance with law.

8. In the event the corporation schedules any demolition, the plaintiffs shall be given at least 48 hours notice.

9. Appeal is disposed in the aforesaid terms.

10. In view of the disposal of the appeal, interim application is disposed of as infructuous.

[GAURI GODSE, J.]