

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER (ST.) NO.34847 OF 2025

Noor Khan And Anr.

.. Appellants

Versus

Municipal Corporation Of Greater Mumbai And
Anr.

Respondents

WITH

INTERIM APPLICATION NO.12885 OF 2025

IN

APPEAL FROM ORDER (ST.) NO.34847 OF 2025

Noor Khan And Anr.

.. Applicants

IN THE MATTER BETWEEN:

Noor Khan And Anr.

.. Appellants

Versus

Municipal Corporation Of Greater Mumbai And
Anr.

Respondents

.....

- Mr. Pradyumna D. Sharma a/w. Mr. Sandeep J. Pawar, Mr. Randhirkumar N. Mandal and Mr. Gautam Khobragade, Advocates for Appellants.
- Ms. Neeta Jadhav, Advocate i/by Ms. Komal Punjabi for Respondents.

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CORAM : MILIND N. JADHAV, J.

DATE : NOVEMBER 13, 2025

P.C.:

1. Heard Mr. Sharma, learned Advocate for Appellants and Ms. Jadhav, learned Advocate appearing for Respondents - Municipal Corporation of Greater Mumbai and its Designated Officer.

2. At the outset, Mr. Sharma draws my attention to Interim Application No.12885 of 2025 filed in the present Appeal from Order

and Interim Application seeking urgent relief for condoning delay of 102 days in filing the Appeal from Order.

3. For the reasons mentioned in the Application, Interim Application for condonation of delay deserves to be allowed and delay deserves to be condoned. Interim Application is therefore allowed in terms of prayer clause (i) as prayed for condoning delay of 102 days.

4. Appeal from Order is taken up for hearing forthwith.

5. Appeal from Order challenges the order dated 06.06.2025 which is appended at page No.19 of the Appeal from Order refusing ad-interim relief in the Notice of Motion No.3346 of 2023 on the premise that the Notice of Motion was filed in September – 2023 and Plaintiff did not press for any urgent relief before the Regular Court thereafter which amounted to delay and latches on the part of Plaintiff. The said order states that urgency was expressed by Plaintiff only after the Corporation passed some order in the month of May – 2025 pursuant to which Plaintiff approached the Trial Court seeking interim relief. Therefore on that ground, ad-interim relief was refused and parties were directed to complete the pleadings.

6. I am sure that post passing of the order dated 06.06.2025, the said Notice of Motion may have been listed for hearing before the Trial Court on several occasions. Learned Advocate for Plaintiff informs the Court that Notice of Motion is still pending for hearing and

final disposal.

7. In view of the exigency mentioned by Mr. Sharma, present Appeal from Order is disposed by directing the learned Trial Court to hear and decide the Notice of Motion No.3346 of 2023 and determine the same finally strictly in accordance with law after hearing the Plaintiff and Defendants within a period of eight weeks from today. All contentions of both the parties are expressly kept open without giving any imprimatur on merits of the matter.

8. With the above directions, Appeal from Order is disposed. Interim Application is also disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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by HARSHADA
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