

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2174 OF 2024

Snehdeep Krida Mandal through
Chairman, PK Bandivdekar

... Petitioner.

V/s.

Maharashtra Housing and Area Development
Authority

... Respondents.

Ms. Devika Madekar, i/by Mr. Sameer Sawant for the Petitioner.
Ms. Shreya Shah, i/by Mr. P.G. Lad for Respondent No.1-MHADA.
Ms. S.V. Tondwalkar, i/by Adv. Komal Punjabi for Respondent No.2-BMC.
Mr. Indrajeet Hingane, i/by Adv. S.G. Mahamuni for Respondent No.3.
Mr. Vishal Mhaskar, D.O. (B&F), 'N' Ward, BMC, present.

CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.

DATE : 22nd April 2025.

PC:-

1) Praecipe dated 21st April, 2025 is moved by the Advocate for Respondent No.3 for Speaking to the Minutes of Judgment dated 17th April, 2025.

2) Mr. Indrajeet Hingane, learned Advocate for Respondent No.3 submitted that, in paragraph No.12 the name of Advocate Tejas Mahamuni has been incorrectly recorded instead of Advocate Mr. S.G. Mahamuni. That, Mr. S.G. Mahamuni represented Respondent No.3 before this Court so

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also before the City Civil Court and therefore the said name be corrected from Mr. Tejas Mahamuni to Mr. S.G. Mahamuni.

3) Ms. Devika Madekar, learned Advocate appearing for Petitioners on instructions concedes to the said fact.

4) In view thereof the name of Mr. Tejas Mahamuni from line No.1 of paragraph No.12 is replaced by Mr. S.G. Mahamuni. After replacing the said name, paragraph No.12 of Judgment dated 17th April, 2025 would read as under:

“12) The Respondent No.3 who is the Plaintiff in the Suit has mislead and misguided the Court. Mr. S.G. Mahamuni the Respondent No.3’s Advocate also represents the same party as the Plaintiff in the Suit filed in the City Civil Court. We find that Mr. Mahamuni has deliberately and with a malafide intention to procure a favourable Order not informed the City Civil Court that, the High Court is seized with the matter at hand pertaining to illegal structure constructed/erected by Respondent No.3. Though argued to the contrary before us, the failure to disclose is apparent, as there is no mention about the same in the Order passed by the learned Judge. We accordingly called upon Mr. Mahamuni to file his say on the allegation of abuse of the process. We also called upon the Advocates for the BMC to file an

Affidavit to state why the provisions of law and the decisions of this Court upholding the constitutional validity of Section 515A of B.M.C. Act, were not pointed out to the learned Judge to assist him to take the proper decision.”

- 5) Judgment dated 17th April, 2025 be corrected accordingly and corrected Order be uploaded on the Official Website of High Court of Bombay.
- 6) Praecipe dated 21st April, 2025 is accordingly disposed off.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)