

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 4083 OF 2025

Naresh O. Jain.

... Petitioner.

V/s.

The Municipal Corporation of Gr. Mumbai & Ors. ... Respondents.

Mr. Prasad Dhakephalkar, Senior Advocate(appearing through V.C.) a/w.
Ms. Samiksha Rao i/b. Mr. Viraj Jadhav, Advocate for Petitioner.
Mr. S.V. Chaugule, Advocate for Respondent Nos. 3 and 5.
Mr. Anoop Patil a/w. Mr. S.V. Tondwalkar i/b. Komal Punjabi, Advocate
for Respondent-BMC.
Mr. Sandesh Jadhav, A.E. (Main) K/W ward.
Mr. Hiren Gandki, R.E. (K/W) ward.
Mr. Yashpal Hangalgeka, Asst. Eng. (B& F) K/W.
Mr. Pawan Kulkarni, Sub-Engg. (B& F) K/F.

CORAM : RAVINDRA V. GHUGE AND
ASHWIN D. BHOBE, JJ.

DATE : 18th NOVEMBER, 2025

P.C. :

1. We have considered the submission of the learned Senior Advocate Shri Dhakephalkar along with Ms. Samiksha Rao, learned Advocate on behalf of the Petitioner and Mr. Anoop Patil, the learned Advocate on behalf of the Corporation.

2. There are several contentious issues which are a part of the Suit No. 1475 of 2012, pending before the City Civil Court at Dindoshi.

3. We have considered the serious grievance voiced by the learned Senior Advocate. The learned Advocate for the Corporation responds on instructions that the Corporation would be moving an application before the City Civil Court, seeking leave to file an additional Written Statement. So also, the Corporation would take steps for either challenging the order dated 21.1.2019 passed on the Notice of Motion No. 1537 of 2012 or move an independent Notice of Motion. It is assured that the Corporation would wholeheartedly defend its cause in the light of the records available.

4. In view of the above, we observe that if the Corporation prefers an application for seeking leave to file an additional Written Statement, the City Civil Court would follow the due procedure laid down in law and after granting a reasonable opportunity of hearing to all the stakeholders, decide the said application within a period of 60 days. The Corporation would file such an application within 15 days from today. Similarly, the Corporation would also initiate steps as per the statement made and move appropriate proceedings for seeking quashing

of the order dated 21st January, 2019.

5. The Petitioner had tendered Chamber Summons No. 1023 of 2025 before the City Civil Court on 30th April, 2025 seeking intervention. We are surprised as to why the said application has still not been decided by the City Civil Court and the next date of hearing is stated to be 28.1.2026. We, therefore, observe that the Trial Court would issue notice to the parties and prepone the hearing on the said application by listing it in the 1st week of December, 2025 and pass appropriate orders on the merits of the Chamber Summons, on or before 20th December, 2025. All the litigating parties shall cooperate with the trial Court in deciding the said Chamber Summons.

6. In view of the above, **this Petition is disposed off.** Needless to state, we have not expressed any opinion or view on the merits of the rival contentions. It is open to the Civil Court to deal with all the issues.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)