

Sharada

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO.1958 OF 2025
IN
SUIT NO.63 OF 2011

Parikshet Sahni	...Applicant/Plaintiff
<u>IN THE MATTER OF:</u>	
Parikshet Sahni	...Plaintiff

Versus

Sanober Sahni	...Defendant
<i>And</i>	
Brihanmumbai Municipal Corporation & Ors.	...Proposed Respondents

Mr. Karl Tamboly a/w Mr. Hrushi Narvekar, Mr. Arun Panickar and
Mr. Vinay Nair for the Applicant / Plaintiff.

Mr. G. O. Giri i/by Ms. Komal Punjabi for the Respondent No.1.

Mr. Rakesh K. Agarwal a/w Mr. Sandeep Nairban for the Respondent
Nos.2 and 3.

CORAM : R.I. CHAGLA J.

DATE : 25th JULY, 2025.

ORDER :

1. Mr. Karl Tamboly, the learned Counsel appearing for the
Applicant / Plaintiff states that pursuant to the Order dated 24th
June, 2025, the Applicant has carried out structural audit through

the Consulting Civil Structure Engineer of the Suit property namely bungalow “Ikram”. A structure audit report dated 10th July 2025 has been filed and which shows that the Suit property is in a dilapidated condition.

2. Mr. Tamboly, has submitted that the order passed by this Court on 28th April, 2025 restraining Respondent No.1 / Brihanmumbai Municipal Corporation from demolishing the Suit property until submission of the report by the Applicant and two weeks thereafter, is not required to be continued in view of the structural audit report having been submitted showing the Suit property in a dilapidated condition.

3. Accordingly, the operative part of prayer clause (c) of the Order dated 28th April, 2025 shall no longer continue. The Respondent No.1 shall take appropriate steps for demolishing the Suit property.

4. Mr. Rakesh Agarwal, the learned Counsel for the Respondent Nos. 1 and 2 in Interim Application No.1121 of 2025 has sought for permission to file Additional Affidavit-in-Reply.

5. Accordingly, permission is granted.
6. The Respondent Nos.1 and 2 shall file Additional Affidavit-in-Reply to the Interim Application within a period of two weeks from today.
7. The Applicant / Plaintiff is at liberty to file Affidavit-in-Rejoinder thereto within a period of one week thereafter.
8. The Interim Application No.1121 of 2025 shall be placed for consideration on 21st August 2025, at 1.00 pm.
9. In view of this order the Interim Application No.1958 of 2025 does not survive and is accordingly disposed of.

[R.I. CHAGLA J.]