Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 16 OF 2026
WITH
INTERIM APPLICATION NO. 140 OF 2026
WITH
INTERIM APPLICATION NO. 138 OF 2026

Ram Suresh Sevla Prasad Yadav .. Appellant

Versus

The Municipal Corporation of Greater Mumbai & Anr. .. Respondents

.....

- Mr. Abhinav Chandrachud a/w Mr. Rajkumar Awasthi i/by Mr. Manish Tomar, Advocates for Appellant
- Mr. Sachin Vajale, Advocates for Respondents
- Mr. Pradip Thorat a/w Mr. Aniesh Jadhav, Mr. Karan Gajra, Mr. Avinash Bailmare a/w Mr. Shubham B.Choudhar i/by Mr. Nikhil Adkine, Advocates for Intervener

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CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 17, 2026

P. C.:

1. Heard Mr. Chandrachud, learned Advocate for Appellant; Mr. Vajale, learned Advocate for Respondents - Corporation and Mr. Thorat, learned Advocate for Intervener. It is mentioned at the time of discharging the Board due to apprehension expressed by the Appellant. Mr. Thorat has appeared after the order is dictated in Court on behalf of the intervener - landowner. I have also heard him on his objections.

2. Challenge in the present Appeal from Order (AO) is to the ad-interim order passed by the learned Trial Court pursuant to the issuance of show-cause-notice and speaking order passed by the Designated Officer of the Corporation. Suit proceeding has been filed. It is *prima facie* seen that the material which is produced by Appellant - Org. Plaintiff is required to be considered by the learned Trial Court in accordance with law. Considering that impugned order is an ad-interim order and Notice of Motion is pending final hearing, the learned Trial Court is directed to determine the Notice of Motion and pass appropriate reasoned speaking order after considering the case of Plaintiff and Corporation. Learned Trial Court shall also hear the landowner who has filed Chamber Summons seeking intervention in the Suit while deciding the Notice of Motion. Learned Trial Court is directed to decide the Notice of Motion as expeditiously as possible and in any event within a period of four weeks from today. Leave to file rejoinder is granted to the Plaintiff to the affidavit in reply of the Corporation.

3. Learned Trial Court shall not be influenced by any of the observations made in the impugned order and accordingly determine the same.

4. In the meantime, no coercive steps shall be taken against the structure of the Appellant and further for a period of one week after

passing of the final order in the Notice of Motion if the said order is adverse to the Plaintiff.

5. Without expressing any opinion on merits, present Appeal from Order stands disposed of in the above terms. Both Interim Applications are also disposed.

Amberkar

[MILIND N. JADHAV, J.]

RAVINDRA MOHAN AMBERKAR

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Date: 2026.01.17 16:33:53 +0530