

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION**

APPEAL FROM ORDER STAMP NO. 3696 OF 2021

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Mohammed Tariq Ilyas

... Appellant

V/s.

MCGM & Anr.

... Respondents

**WITH
INTERIM APPLICATION STAMP NO. 3698 OF 2021
IN
APPEAL FROM ORDER STAMP NO. 3696 OF 2021
WITH
INTERIM APPLICATION NO. 16991 OF 2022
IN
APPEAL FROM ORDER STAMP NO. 3696 OF 2021**

Adv. Shobhit Shukla for Appellant.

Adv. Neeta Jadhav i/b. Adv. Komal Punjabi for Respondent – BMC.

CORAM : FARHAN P. DUBASH, J.

DATE : 6th JANUARY 2026

P. C.:

1. The present Appeal from Order has been filed challenging the order dated 25th February 2020 passed by the Trial Court in Notice of Motion No. 119 of 2020 in L.C. Suit No. 26 of 2020.

2. By the impugned order, the Notice of Motion filed by the original Plaintiff/Appellant herein seeking interim protection against demolition was

dismissed. Mr. Shobhit Shukla, learned Counsel who appears on behalf of the Appellant, on instructions states that despite this order, till date, the Defendant has not acted upon Notice issued under Section 351 of the Mumbai Municipal Corporation Act, 1888 dated 7th December 2019 and order dated 21st December 2019. In fact, it is pointed out that trial is proceeding in the City Civil Court, Mumbai where his client is under cross-examination.

3. Since, the Defendants have not acted upon the Notice under Section 351 dated 7th December 2019 and order dated 21st December 2019 despite the said Notice of Motion being dismissed as far back as on 25th February 2020, it appears that the MCGM is not desirous of acting upon the said Notice and instead has chosen to adjudicate the matter on merits by contesting the Suit in the City Civil Court, Mumbai where they have also filed a Written Statement. Accordingly, the present Appeal from Order is disposed of. All pending Interim Applications are also disposed of.

(FARHAN P. DUBASH, J.)

Ajay Jadhav
59.AOST/3696/2021