

Priyanka

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

**APPEAL FROM ORDER NO.815 OF 2024
WITH
INTERIM APPLICATION NO.14808 OF 2024**

Yogiraj Ramchandra Tulaskar	... Appellant
V/s.	
State of Maharashtra Thr. Government	
Pleader & Ors.	... Respondents

Mr. Satish R. Mishra, Ms. Simran Shirvoikar, Ms. Divya Ranprise
for the Appellant.
Mr. S. B. Vajale i/by Ms. Komal Punjabi for Respondents – MCGM>
Ms. Shilpa G. Talhar, AGP for the State.

CORAM : KAMAL KHATA, J.

DATED : 23RD FEBRUARY 2026.

P.C. :

1. The Advocate for the Appellant seeks an adjournment to place on record certain documents purportedly in support of the contention that the structure referred to in the Notice dated 2nd August 2024 is lawful.
2. The Court drew his attention to the two earlier Orders dated 16th January 2026 and 23rd January 2026 which read as under:

Order dated 16th January 2026:

1. This Appeal was heard on 17th October 2024.

Thereafter, the matter has not been listed. Upon perusal of the orders passed, it is evident that no ad-interim relief has been granted in favour of the Appellant. Therefore, there is no impediment upon the Respondent to take further steps in the matter

2. None appears for the Appellants.

3. With a view to afford a final opportunity to the Appellant, the matter is adjourned.

4. List the matter on 23rd January 2026 under the caption 'for dismissal'.

5. The Appellant is put to notice that if he remains unrepresented on the next date, the Court shall proceed to dismiss the matter for want of prosecution.

Order dated 23rd January 2026:

1. Ms. Simran S., appearing on behalf of Mr. S. R. Mishra, the Advocate on record (AOR), seeks an adjournment on the ground that Mr. Mishra is unavailable to argue the matter today. The request is

granted.

2. *List the matter on 23rd February 2026 under the caption 'for hearing.'*

3. *It is clarified that if the Appellant fails to proceed with the matter on the next date, for any reason whatsoever, the Appeal shall stand dismissed for want of prosecution.*

3. Despite the two orders, the Advocate for the Appellant was offered an adjournment, subject to payment of exemplary costs. The said offer was declined. Nevertheless, he earnestly sought one further opportunity to place the documents on record. Admittedly, the documents do not form a part of the record as on date. Apart from making this request, the Advocate did not advance any submissions on the merits of the impugned order.

4. In these circumstances, such a request cannot be granted as a matter of course and certainly not without putting the Appellant to terms, particularly in view of the principles laid down in *Dynadev Sabaji Naik v. Pradnya Khedkar*.¹

5. It is evident that the structure in question, admeasuring 561 sq.ft and situated in a prime locality at Mahim (West), has been continuously enjoyed by the Appellant for at least the past two

¹ (2017) 5 SCC 496

years.

6. A perusal of the record further reveals that the documents earlier filed are illegible and that the office objections remain unremoved, despite Appeal having been filed in the year 2024.

7. The conduct of the Appellant indicates an attempt to take repeated chances and to delay the final adjudication of the Appeal, thereby continuing to derive benefit from an alleged illegal structure for as long as possible.

8. In view of the above circumstances, I find no justification to grant any further opportunity to the Appellant. The Appeal is accordingly dismissed for want of prosecution.

9. In consequence of the dismissal of the Appeal, the Interim Application, also stands disposed of.

(KAMAL KHATA, J.)