

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 394 OF 2025
WITH
CONTEMPT PETITION NO. 718 OF 2025
WITH
INTERIM APPLICATION NO. 187 OF 2026
WITH
INTERIM APPLICATION NO. 9792 OF 2025

Anant Sakharam Bhoir & Ors.

.. Appellants

Versus

State of Maharashtra & Ors.

.. Respondents

.....

- Mr. Sandeep Mishra a/w Ms. Madhura Mulay, Advocates for Appellants
- Mr. Surel Shah, Senior Advocate i/by Ms. Chaitali Deshmukh, Advocates for Respondent Nos. 4 & 5 - Corporation

.....

CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 5, 2026

P. C.:

1. Heard Mr. Mishra, learned Advocate for Appellants and Mr. Shah, learned Senior Advocate along with Ms. Deshmukh, learned Advocate appearing for Respondent Nos. 4 and 5 - Corporation.

2. After the matter was heard for sometime, Mr. Mishra has persuaded the Court to allow him to take instructions and approach the Trial Court. Matter was kept back for sometime and at the time of rising, Mr. Mishra after taking instructions from Appellant No. 3 who is present in Court and on behalf of Appellant Nos. 1, 2, 4 and 5 equally seeks withdrawal of the present Appeal from Order by keeping all

contentions of Appellants / Plaintiffs expressly open before the Trial Court in the pending Suit proceedings.

3. One of the grievance raised by Mr. Mishra is that pursuant to the suit proceedings, Plaintiffs have received notice under 260(1) and (2) of the Maharashtra Municipal Corporations Act, 1949 in respect of the suit structures which are also subject matter of the suit proceedings and Plaintiffs desire to maintain a challenge to the same appropriately. He would submit that Plaintiffs would therefore seek amendment to the suit plaint to maintain the challenge and also desire to file Application seeking temporary injunction in respect thereof before the Trial Court forthwith. The submissions made by Mr. Mishra are noted by Court.

4. Mr. Mishra has persuaded and requested the Court to pass appropriate directions to the learned Trial Court to determine the Application for amendment and fresh Application seeking temporary injunction in respect of the freshly received notice which shall be filed by Plaintiffs as expeditiously as possible and in any event within one week from today. In view thereof, learned Trial Court is requested by this Court to determine both the Applications if they are so filed strictly in accordance with law after hearing the concerned parties as expeditiously as possible in view of the *lis* between the parties because

it pertains to development of government land by the Municipal Corporation for the general public at large.

5. It is clarified that insofar as the challenge to the impugned order in the present Appeal from Order is concerned, this Court has declined to interfere with the said order.

6. Keeping all contentions of Appellants - Plaintiffs expressly open, Appellants are permitted to withdraw the present Appeal from Order accordingly.

7. In view of the above, present Appeal from Order 394 of 2025 is disposed. In view thereof, Contempt Petition No. 718 of 2025 filed by Appellant as also Interim Application Nos. 187 of 2026 and 9792 of 2025 are also disposed. Any ad-interim order passed stands vacated.

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[MILIND N. JADHAV, J.]

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