

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

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INTERIM APPLICATION NO.572 OF 2026

**IN
FIRST APPEAL NO.18 OF 2013**

Geeta Mahesh Dhanani

....Applicant/Appellant

V/s.

The Municipal Corporation of Gr. Mumbai & Ors.

....Respondents

Mr. Sanket Mungale for the applicant/appellant.

Mr. Pradeep M. Patil for the respondent no.1-MCGM.

Mr. Kartik Vig for respondent no.2.

Mr. Hitesh Vyas for respondent no.3.

CORAM : JITENDRA JAIN, J.

DATED : 11 February 2026

PC. :

1. This application is made for restoration of the first appeal which was dismissed for non-appearance. The reasons for non-appearance have been stated in paragraphs 6 and 7 of the application.
2. Being satisfied with the reasons stated therein, the first appeal is restored to file.
3. The applicant also prays that the status-quo orders passed in the years 2012 and 2015 be continued.
4. At the outset, the learned counsel for the applicant has not been able to point out any speaking order of this Court granting status-quo or interim relief.

5. The impugned notice is issued under Section 53(1) of the Maharashtra Regional Town Planning Act, 1966 for demolition of loft in commercial premises in Colaba admeasuring approximately 100 sq.ft.
6. The said notice was challenged before the City Civil Court and on 14 August 2012 and the challenge was rejected with cost. The learned Trial Court has adjudicated various issues and by a detailed and speaking order rejected the challenge and dismissed the suit. As of today, though the applicant may submit that he has a good case, there is an order of the first Court after considering all the evidence and submissions which is against.
7. If the impugned order and the notice is not stayed and the Corporation demolishes the structure and finally if the appeal is allowed in favour of the applicant, then damage caused would be irreversible. At the same time, if the appeal is dismissed, then the appellant would have used the illegal structure for commercial purpose atleast from August 2005 if not before though admittedly the structure was existing even before that.
8. Therefore, to balance the equity, I pass the following order :-

ORDER

- (i) The impugned notice under Section 53(1) dated 16 August 2005 and the order dated 14 August 2012 is stayed subject to the applicant/appellant to deposit in this Court Rs.5,000/- per month from August 2005 till 31 March 2026. The aggregate amount should be deposited within 12 weeks from today. No extension of time for depositing the said amount will be considered.
- (ii) From 1 April 2026, amount of Rs.5,000/- to be deposited in this Court every month till disposal of the appeal.

(iii) The above amount should be invested by the Registry in Fixed Deposit which will be kept alive till disposal of the appeal.

(iv) If the appeal is allowed, then the amount deposited alongwith interest accrued thereon will be refunded to the appellant and if the appeal is dismissed, then the amount alongwith interest thereon will be given either to the Corporation or for charitable cause.

9. The applicant/appellant to inform the concerned officer of 'A' ward of the deposit which is made under this order.
10. If there is a default of deposit of any amount as directed by this order, then interim stay will be vacated.
11. Interim application is disposed of accordingly.
12. First appeal to come up in regular course.

(JITENDRA JAIN, J.)