

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1998 OF 2026
IN
APPEAL FROM ORDER NO. 449 OF 2023

Jawaharlal P. Deshlahra .. Appellant

In the matter between

Santosh Dinkar Salian .. Appellant

V/s.

Municipal Corporation Of Greater Mumbai .. Respondent

WITH
APPEAL FROM ORDER NO. 449 OF 2023
WITH
INTERIM APPLICATION NO. 12644 OF 2023
IN
APPEAL FROM ORDER NO. 449 OF 2023

Shri Vikram D. Shah (Deleted)

Shri. Santosh Dinkar Salian .. Appellant

V/s.

Municipal Corporation Of Greater Mumbai .. Respondent

Mr. Vikas Pandey with Mr. Kiran Chaurasiya & Mr. Mahavir Deshlahra, for the Appellant/Applicant.

Mr. Anil R. Mishra for the Respondent.

Ms. Neeta Jadhav for the Respondent – MCGM.

CORAM : FARHAN P DUBASH, J.

DATE : 9th APRIL 2026

P.C.:

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INTERIM APPLICATION NO. 1998 OF 2026

1. The present Interim Application has been preferred by the Applicant, who seeks to intervene in the present Appeal. As more particularly set out therein, pursuant to the order dated 1st July 2024 passed by this Court, the Applicant was directed to be impleaded as a party Defendant before the Trial Court.

2. Mr. Vikas Pandey, learned Counsel who appears on behalf of the Applicant, states that pursuant thereto, his client has in fact been impleaded as party Defendant no. 2 before the Trial Court in Suit No. 280 of 2020. Considering this, this Court is inclined to allow the Interim Application in terms of prayer clauses (A) and (B).

3. Appellant shall forthwith amend the captioned Appeal From Order in the course of today. Re-verification is dispensed with.

APPEAL FROM ORDER NO. 449 OF 2023

4. This Appeal impugns an order dated 21st February 2023 rejecting the Notice of Motion filed by the Appellant/Original Plaintiff, which *inter alia* sought a temporary injunction challenging a notice dated 7th December 2019 issued by the Mumbai Municipal Corporation under Section 351 of the Mumbai Municipal Corporation Act, 1881.

5. In respect of a similar notice issued to the other six occupants of the adjoining structures on the same property, this Court by a detailed order dated 5th December 2023 has already set aside the order passed by the Trial Court dated 21st February 2023 in Appeals preferred against the said order and requested the City Civil Court to expedite the hearing of the Suit with an endeavor to decide the same as expeditiously as possible and in any event within a period of one year from the date of the said order and till then, the ad-interim protection that was granted in favour of the Appellants/Original Plaintiffs would continue to operate.

6. Considering this, this Court is of the view that a similar order can be passed in the present Appeal. Accordingly, Appeal From Order No. 449 of 2023 is disposed of with a request to the Trial Court to expedite the hearing of the Suit before it. This Suit shall be heard and decided as expeditiously as possible and preferably, on or before 30th May 2027.

7. Till then, the ad-interim protection which was initially granted by the Trial Court vide order dated 21st February 2023 in favour of the Appellant/Original Plaintiff and thereafter continued by this Court vide order dated 6th March 2023 shall continue to operate.

8. Appeal From Order is disposed of in the above terms with no order as to costs.

9. Pending Interim Applications, if any, will not survive and are disposed of.

Amol

(FARHAN P. DUBASH, J.)