

MHCC040018752026



IN THE BOMBAY CITY CIVIL COURT AT DINDOSHI
(BORIVALI DIVISION), GOREGAON, MUMBAI

NOTICE OF MOTION NO. 711 OF 2026
IN
L. C. SUIT NO. 371 OF 2026

Bhupesh Vishnu Bhagat & Ors.

...Plaintiffs

V e r s u s

The Municipal Corporation
and Greater Mumbai and Anr,

...Defendants

Ld. Advocate Smitesh Bane, for the plaintiffs.

Ld. Advocate Shweta Patankar, for the MCGM/defendant.

CORAM : HIS HONOUR JUDGE
SHRI M. H. PATHAN
(C. R. NO. 08).

Date : 4th March, 2026.

AD-INTERIM ORDER

This is Notice of Motion taken out by the plaintiffs to restrain the defendants from executing, implementing or operating impugned notice in pursuant notice bearing no. PN/DO1PN/035/351-MMC ACT/PN231N01/15.04.2025 dated 15.04.2025 and Speaking order dated 13.12.2025.

2. Ld. Advocate for plaintiffs submitted that in the impugned notice CTS No. 01 of Village Valnai mentioned, however plaintiff's suit structure situated on different CTS Number. He submitted that Plaintiffs filed application on 22.04.2025 for request of extra time to submit reply of notice received on 15.04.2025. Plaintiffs have given reply to the Designated Officer on 03.05.2025, wherein CTS No.305/1 to 3 of Village Valnai mentioned. Thereafter, on 03.06.2025 notice issued by defendant No.1 about unauthorized construction in the names of Plaintiffs. He has also submitted that though plaintiffs were present in the office of defendant No.1, however Concerned Officer was not met to them and without giving hearing opportunity to them speaking order passed on 13.12.2025. Hence, he submitted balance of convenience is in favour of the plaintiffs. He has placed reliance upon the case ***Diwakar Ratan Thakur Vs The Municipal Corporation of Greater Mumbai, 2025 : BHC-AS: 8818***. Thus, he prayed to grant temporary ad-interim injunction against the defendant no.1.

3. Per contra, Ld. Advocate for defendant submitted that this Court has no jurisdiction as per section 515 (A) of the MMC Act to grant injunction in favour of the plaintiffs. The Plaintiffs have not produced the authorized construction permission of the defendant. The notice issued by the defendant no.1 is legal, proper and correct. Hence, she prayed to reject prayer of ad- interim injunction against the defendants.

4. I have gone through documents annexed with plaint. The plaintiffs have not produced any documents of construction permission of the suit structure. The Court can not grant protection to unauthorized construction. It appears that on 03.06.2025 Manish Salvi

signed on the notice which is subject of unauthorized construction. On 05.07.2025 Salvi signed on the intimation wherein mentioned that hearing was scheduled on 09.07.2025. Said document filed by the defendants on record. The facts of cited case by the plaintiffs and facts of present case are on different footing. The plaintiffs have failed to show that suit structure is authorized structure or constructed with permission. Thus, prima-facie case is not made out to grant ad-interim injunction against defendants. Hence, I proceed to pass the following order : -

ORDER

Plaintiff's prayer for ad-interim injunction against
defendants are hereby rejected.

Date : 04.03.2026

(M. H. Pathan)
Judge, City Civil Court,
Borivali Division, Dindoshi,
Mumbai.

Dictated on directly on Computer : 04.03.2026
Checked and signed by HHJ on : 04.03.2026

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.”

09.03.2026 at 01.50 P. M.
UPLOAD DATE AND TIME

Vimal R. Kori
TYPED BY

Name of the Judge (With Court room no.)	SHRI. M. H. PATHAN (C.R. NO.8)
Date of Pronouncement of JUDGMENT/ ORDER	04.03.2026
JUDGMENT/ORDER signed by P. O. on	04.03.2026
JUDGMENT/ORDER uploaded on	09.03.2026