

Ajay

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

**APPEAL FROM ORDER (ST) NO. 40365 OF 2025
WITH
INTERIM APPLICATION (ST) NO. 40366 OF 2025
WITH
INTERIM APPLICATION (ST) NO. 839 OF 2026
IN
APPEAL FROM ORDER (ST) NO. 40365 OF 2025**

M/s. Devdarshan Enterprises

Appellant
.. (Orig. Plaintiff)

Versus

Municipal Corporation of Greater Mumbai
Through its office of 'C' Ward Mahanagar & Ors. .. Respondents

-
- Mr. Anirban Sen and Mr. Jash Shah, Advocates i/by IndusLaw for Appellant.
 - Mr. Sachin Vanjale, Advocate for MCGM.
 - Mr. Rakesh Agrawal a/w. Mr. Sandeep Nirban, Advocates for Intervenor.

.....

CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 02, 2026.

P.C.:

1. Heard Mr. Sen, learned Advocate for Appellant; Mr. Vanjale, learned Advocate for MCGM and Mr. Agrawal, learned Advocate for Intervenor.

2. The order dated 19.12.2025 is succinctly clear, however further explanation is required for filing Affidavit-in-Reply thereto by the Corporation. Though Mr. Agrawal would inform the Court that MCGM had filed a Reply before the Trial Court, Mr. Vanjale, learned

Advocate appears for MCGM and informs the Court that the draft is ready and it shall be filed within a period of one week from today positively. Copy of Reply is directed to be served on Appellant and Intervenor both.

3. This Court expects the MCGM to specifically and categorically answer the issue which has been raised in the aforesaid order alongwith appropriate necessary documentary evidence thereto. This Court will not tolerate pleadings merely on Affidavit only. It is expected that the Corporation shall place on record the details of the previous structure, assessment details, Application seeking repair of the previous structure, sanctioned plan of the previous structure and sanctioned plan of the new structure, if any, to the satisfaction of the Court.

4. Copy of the Intervention Application is served on Appellant before me. Though it is the grievance of Appellant voiced by Mr. Sen that this Court should first hear the Intervention Application, I am not inclined to allow the Advocate for Appellant to dictate how this Court should function. This Court has its own discretion in conducting matters and assure all parties that due process of law will be followed.

5. Needless to state that due opportunity will be given to Appellant to argue its case fully.

6. In the meanwhile, ad-interim order regarding protection of the Appellant's structure stands continued and extended until the present Appeal from Order is heard and decided.

7. Stand over to **09th February 2026**. To be placed under the caption '**For Directions**'.

[MILIND N. JADHAV, J.]

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