

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER (ST) 7092 OF 2026  
WITH  
INTERIM APPLICATION (ST) NO. 7093 OF 2026

Dayanand Shetty .. Appellant

**Versus**

The Municipal Corporation of Greater Mumbai .. Respondent

.....

- Mr. Pradeep Thorat a/w Ms. Sakshi Agarwal & Mr. Nilesh Jadhav  
i/by Mr. Bipin Joshi, Advocates for Appellant

.....

**CORAM : MILIND N. JADHAV, J.**

**DATE : MARCH 11, 2026**

**P. C.:**

1. Not on board. Mentioned by way of filing a praecipe dated 11.03.2026.
2. Heard Mr. Thorat, learned Advocate for Appellant - Plaintiff.
3. Establishment of Appellant is in operation since 1984. Allegation made in the notice issued under Section 351 of the MMC Act, 1888 is that there is unauthorized construction carried out by the Plaintiff in the same. Ad-interim relief was granted vide order dated 29.12.2015 which was continued until 09.03.2026 i.e. yesterday. Mr. Thorat informs the Court that the interim relief has been refused and the Motion has been dismissed. Reasoned copy of the order is not available.

4. Considering the facts in the present case which are *prima facie* disputable from the record of the case, ad-interim relief granted vide order dated 29.12.2015 stands extended until the present Appeal from Order is heard for admission by this Court.

5. Issue notice to the Respondents made returnable on 23.04.2026. Humdast permitted. In addition to Court's notice, Appellant is directed to serve copy of the Appeal from Order and Interim Application along with copy of this order on the Respondent and inform about the next date of hearing by any permissible mode of service and file appropriate affidavit of service with tangible proof thereof on or before the next date.

6. After receiving the notice, Respondent to file affidavit-in-reply within a period of four weeks from today with an advance copy to the Advocate for Appellant. Rejoinder if any shall be filed within two weeks thereafter.

7. Stand over to **23rd April, 2026.**

[ MILIND N. JADHAV, J. ]

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by RAVINDRA  
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