

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 314 OF 2025
WITH
INTERIM APPLICATION NO. 8406 OF 2025
IN
APPEAL FROM ORDER NO. 314 OF 2025

Gurumeet Kaur Khurana
Through Her Constituted Attorney,
Mr. Mohammed H. Mohammed Siddique Ajmeri .. Appellant/
Orig. Plaintiff

vs.

The Municipal Corporation of Greater Mumbai
and Another .. Respondents/
Orig. Defendants

.....
Mr. Shailesh Pal a/w Mr. Viraj Singh, Advocates for the Appellant.
Mr. Drupad Patil a/w Mr. Sachin Vajale, Advocate for the Respondent-
BMC.

.....

CORAM : MILIND N. JADHAV, J.
DATE : MAY 8, 2026.

P.C.:

1. Heard Mr. Shailesh Pal, learned Advocate appearing for the Appellant, who is the original plaintiff before the Trial Court and Mr. Drupad Patil, learned Advocate for the Respondent-BMC.
2. It appears that there is no dispute about the fact that the Plaintiff is the proprietor of M/s. Rana Automobiles, who has an existing and subsisting ground floor/ground storage structure since prior to 1979.

3. The impugned action imposed by the corporation under Section 351 of the MMC Act is on account of the plaintiff alleged to have inpreached and carried out an unauthorised vertical extension to the existing ground floor structure by using NSI Section and GI Sheets. *Prima facie*, the extension which is appeared to have been carried out, is noticed from the outside on the basis of the 4 photographs appended at page nos. 225 to 229. However, whether it would justify the allegations, which are stated in the impugned order, will have to be decided by the Court. If the speaking order appended at page no. 234 is seen, it appears that, it is the case of the corporation that the plaintiff has constructed a first floor and also the second floor. The corporation shall file an appropriate affidavit in reply. Equally the plaintiff is directed by the Court to file an additional affidavit by placing on record the photographs of the suit structure from the inside to enable the Court to consider the case of the corporation.

4. It would also be reveal if the plaintiff has carried out any construction, which is unauthorised and contrary to the sanction plan or permission from the corporation.

5. Today, substantial pleadings are filed and placed before the Court and the Court is not in a position to ascertain the allegations of the corporation of the plaintiff having constructed brick masonry wall

with intermediate flooring by ladi coba and covered with AC sheet roof thereupon.

6. *Prima facie*, save and except the pleadings before the Court, the Court is not in a position to understand the precise nature and status of alleged unauthorised construction. Hence, additional affidavit will be filed by the plaintiff along with the internal photographs to explain what the plaintiff has done. Additional affidavit will be filed within a period of 4 weeks from today and served on the corporation. After considering the same, corporation to be file their affidavit in reply to the present Appeal from Order within a period of 2 weeks thereafter.

7. In the meanwhile, for a period of 6 weeks from today, that is until the next date, no coercive step shall be taken by the corporation against the suit structure of the plaintiff.

8. The interim protection granted by this Court last year is directed to be continued till the next date.

9. List the matter on **25.06.2026**.

[MILIND N. JADHAV, J.]

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