

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 34 OF 2023

ANAND
SUDHAKAR
SUDAME

Jagdish Ghisusingh Purohit ..Appellant
Versus
The Municipal Corporation of Greater Bombay & anr. ..Respondents

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WITH
CIVIL APPLICATION NO. 4077 OF 2017
WITH
INTERIM APPLICATION NO. 2004 OF 2025
WITH
INTERIM APPLICATION NO. 555 OF 2020
IN
FIRST APPEAL NO. 34 OF 2023

WITH
FIRST APPEAL NO. 1168 OF 2025

Mrs. Kalpanadevi Govindsingh Parmar ..Appellant
Versus
The Municipal Corporation of Greater Bombay & anr. ..Respondents

WITH
INTERIM APPLICATION NO. 3663 OF 2025
WITH
CIVIL APPLICATION NO. 54 OF 2025
IN
FIRST APPEAL NO. 1168 OF 2025

WITH
FIRST APPEAL NO. 473 OF 2017

Devanand Ramapati Maurya ..Appellant
Versus
The Municipal Corporation of Greater Bombay & anr. ..Respondents

WITH
CIVIL APPLICATION NO. 4076 OF 2017
WITH
INTERIM APPLICATION NO. 2007 OF 2025
IN
FIRST APPEAL NO. 473 OF 2017

WITH
FIRST APPEAL NO. 575 OF 2020

Sureshkumar Khemrajji Jain ..Appellant
Versus
The Municipal Corporation of Greater Bombay & anr. ..Respondents

WITH
CIVIL APPLICATION NO. 4075 OF 2017
WITH
INTERIM APPLICATION NO. 1967 OF 2025
WITH
INTERIM APPLICATION NO. 548 OF 2020
IN
FIRST APPEAL NO. 575 OF 2020

Mr. Virendra T. Dubey, Advocate, for the Appellant
Mr. Tushad Kakalia a/w. Mr. Uttam Rane, Advocates, for Respondent
Nos. 3 to 5

CORAM : RAJESH S. PATIL, J.

DATE : 17.11.2025

P. C.

1. Mentioned. Not on board. Taken on board.
2. The Appellant had filed a Suit in 2009 before the City Civil Court, Bombay challenging the notice issued under Section 351 of the Mumbai Municipal Corporation Act, 1888 (“**MMC Act**”). Prior to the filing of L. C. Suit No. 676 of 2009, the present Appellant had filed

L. C. Suit No. 3583 of 2007 challenging the same notice issued under Section 351 of the MMC Act. By an Order dated 16.01.2009, earlier Suit was disposed of granting permission to the Appellant to approach the concerned authorities seeking regularization of the subject structure.

3. However, it seems that the Appellant did not approach the concerned department of the Municipal Corporation seeking regularization of the subject structure. The Appellant, thereafter, sought review of the Order dated 16.01.2009. By an Order dated 13.02.2009 passed in Review Petition No. 5 of 2009, the Appellant was permitted to proceed against landlords of the land on which Suit structure was situated. Ultimately, even the Suit against the landlord of the Suit structure was dismissed by an Order dated 18.02.2011. Thereafter, the Appellant preferred the second Suit, being L. C. Suit No. 676 of 2009 thereby challenging the notice issued under Section 351 of the MMC Act and seeking certain directions against the Municipal Corporation. Whilst the said Suit was pending before the City Civil Court, Bombay, the Appellant preferred an Application seeking regularization of the Suit premises.

4. The said second Suit was dismissed by an Order dated 15.06.2016 passed by the City Civil Court, Bombay. Being aggrieved by

the said Judgment passed by the City Civil Court, Bombay, the present First Appeal has been filed by the Appellant.

5. During the pendency of the present First Appeal, regularization Application filed by the Appellant was rejected by the Building Proposal Department of the Municipal Corporation by an Order dated 01.08.2025.

6. From the record which is produced before me as per the regular proposal status flow available on the Municipal Corporation website, it appears that on 03.10.2018, the Appellant had submitted his proposal for regularization. The said proposal appears to have been rejected.

7. None appears for the Municipal Corporation when the matters are called out. Mr. Dubey submitted that Mr. Pradeep Patil is appearing in the present proceeding for the MCGM.

8. In order to permit learned Counsel for the Bombay Municipal Corporation to appear and make submissions, stand over to **25.11.2025** at **3.00 p. m.**. If no one appears for the Corporation on the next date of hearing, it would be presumed that the MCGM has no objection to allow the First Appeal.

9. Ad-interim relief, if any, granted earlier to continue till the next date of hearing.

10. Learned Counsel for the Appellant to serve a copy of this order on the Law Officer of the MCGM and the learned Counsel for the Municipal Corporation, Mr. Pradeep Patil.

(RAJESH S. PATIL, J.)