

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER (ST) NO. 40365 OF 2025

IN

SUIT NO. 2991 OF 2025

M/s. Devdarshan Enterprises

Appellant

.. (Org. Plaintiff)

Versus

Municipal Corporation of Greater Mumbai &
Ors.

Respondents

.. (Org. Defendants)

.....

- Mr. Girish Godbole a/w Mr. Anirban Sen, Mr. Jash Shah, Mr. Sourasubha Ghosh & Ms. Tanvi Darji, Advocates for Appellant
- Mr. Rakesh K. Agarwal, Advocate for Intervenor

.....

CORAM : MILIND N. JADHAV, J.

DATE : DECEMBER 19, 2025

P. C.:

1. Not on board. Mentioned by way of filing a praecipe dated 19.12.2025.
2. Heard Mr. Godbole, learned Senior Advocate for Appellant and Mr. Agarwal, learned Advocate for Intervenor.
3. Suit premises is ground plus 8 storey building. The building is occupied by members of a Society for commercial purposes. *Lis* in the present case is that the suit structure is constructed unauthorizedly. Mr. Godbole appears for developer of the building. He would submit that members applied to the Corporation seeking repairs and repaired the building. It is alleged by Mr. Agarwal and Corporation that under

the garb of repairs Appellant constructed the building. According to Mr. Godbole building was constructed after following due process of law and pursuant to sanctioned plan issued by Corporation, copy of which is appended at page No. 84 of Petition.

4. Today the intervenor represented by Mr. Agarwal who is the original complainant with regard to the alleged construction would submit that it is a completely unauthorized construction and the alleged sanctioned plan is not even available in the Corporation record. He has intervened in the suit proceedings in the Trial Court and his Chamber Summons is pending. He would submit that he was heard at the time of passing of the impugned order.

5. Apprehension is expressed by Mr. Godbole that Corporation may take steps to demolish the suit building in furtherance of the impugned order. Without expressing any opinion or imprimatur on merits or legality of the suit structure, I direct the Corporation not to take any steps to demolish the said building in furtherance of the impugned order. Needless to state that Corporation shall place on affidavit to the satisfaction of this Court whether the building is authorized and the veracity of the sanctioned plan relied upon by Plaintiff with respect to the findings given in the impugned order.

6. Mr. Agarwal informs the Court that he would like to file Intervention Application in the present AO. If the Intervention Application is filed, this Court shall consider the same in accordance with law.

7. Mr. Agarwal would submit that the facts in the present case are extremely gross. Though he has voiced the same it would be appropriate if he files the Intervention Application so that this Court can determine the veracity of the plan which is challenged by the Intervenor. Corporation is directed to place on record the sanctioned plan of the suit structure to enable the Court to arrive at a considered decision. In the meanwhile, no coercive steps shall be taken against the suit structure.

8. In view of the above, issue notice to the Respondents made returnable on 13.01.2026. Humdast permitted. In addition to Court's notice, Appellant is directed to serve copy of the AO along with copy of this order on the Respondents and inform them 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. After receiving the notice, Respondents to file affidavit-in-reply within two weeks. Rejoinder if any shall be filed within one week thereafter.

9. Stand over to 13th January, 2026.

Amberkar

[MILIND N. JADHAV, J.]

Digitally signed
by RAVINDRA
MOHAN
AMBERKAR
Date: 2025.12.20
15:10:03
+0530