

22
20.8.2025
Ct. No. 16
SB

FMA 1086 of 2025
CAN 1 of 2025 (stay)

Rashid Manzar
Vs.
Nadeem Sarwar & Anr.

Mr. Neguive Ahmed ... for the appellant

Mr. Jaued K. Sarwarwala
Mr. S. A. Sarwarwala
Ms. Sadaf Aafi ... for the respondents

1. The appellant is aggrieved by the impugned order dated 28.3.2025 by which ad interim order and the injunction passed on 02.3.2025 in the form of *status quo* in respect of the suit premises was vacated primarily on the ground that the opposite parties have disclosed a sanctioned plan from K.M.C. whereby the appellant was permitted to make certain modifications.
2. Mr. Ahmed, learned counsel appearing on behalf of the appellant submitted that under the garb of re-flooring of the existing floor the respondents are raising illegal construction thereby causing extensive damage to the room under occupation of the plaintiff.
3. In order to ascertain whether there has been any false declaration by the respondents in their application for sanction plan and whether it was restricted to permission under Section 3(2)(E) of the K.M.C. Act 2009, we direct Building Department, K.M.C. to depute an engineer to verify the nature of construction and file a report as to whether the construction carried out by the respondents in accordance with the sanction plan. The declaration file for obtaining sanction plan shall also be

considered and produced along with the report on the adjourned date.

4. The K.M.C. shall depute an authorized representative to be present with the report on the adjourned date.
5. Let the matter appear after **two weeks**.
6. The appellant is directed to immediately communicate this order upon the Director General, Building Department, K.M.C. along with copy of this order in course of this week.

(Soumen Sen, J.)

(Apurba Sinha Ray, J)