

ITEM NO.12

COURT NO.7

SECTION IX

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).15366/2026

[Arising out of impugned final judgment and order dated 02-04-2026 in FAST No. 19600/2018 passed by the High Court of Judicature at Bombay]

DAMJI K. DEDHIA &amp; ANR.

Petitioner(s)

VERSUS

MUNICIPAL CORPORATION OF GREATER MUMBAI,  
GREATER MUMBAI & ORS.

Respondent(s)

FOR ADMISSION

Date : 05-05-2026 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA  
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) : Mr. Mukul Rohatgi, Sr. Adv.  
Mr. Vinay Navare, Sr. Adv.  
Mr. Sanmish Gala, Adv.  
Ms. Misha Rohatgi, AOR

For Respondent(s) :

UPON hearing the counsel the Court made the following  
O R D E R

1. This petition arises from a common order passed by the High Court dated 02.04.2026 disposing of 26 Civil Applications filed by the Corporation praying for condonation of delay ranging from one year to nine years in preferring the First Appeal against the judgment and order dated 12.10.2009 passed by the City Civil Court, Mumbai.
2. It appears from the materials on record that notices

issued under Section 351 of the Mumbai Municipal Corporation Act, 1888 were made a subject matter of challenge before the City Civil Court, Mumbai. These notices were issued by the Corporation for demolition of alleged illegal structures.

3. The notices, ultimately were ordered to be quashed.

4. The Corporation, being dissatisfied with the order passed by the City Civil Court, Mumbai dated 12.10.2009 thought fit to challenge the same before the High Court after a period of almost 8 years.

5. The High Court declined to condone the delay and, accordingly, all Civil Applications came to be dismissed.

6. The petitioners before us are aggrieved by some of the observations made by the High Court, more particularly, as contained in paras 12, 13 and 15, respectively of the impugned order.

7. In such circumstances referred to above, the petitioners are here before us with the present petition.

8. We heard Mr. Mukul Rohatgi and Mr. Vinay Navare, the learned senior counsel appearing for the petitioners.

9. While the High Court was justified in declining to condone the delay, however, *prima-facie* we are of the view that the High Court should have stopped without observing anything further in the matter.

10. According to Mr. Rohatgi, the observations are prejudicial to his clients because once again the Corporation would initiate the very same action under Section 351 of the Act which was found to be not in accordance with law way back

in 2009.

11. We may only say that if at all the Corporation decides to initiate any action, the same shall be without being influenced in any manner by any of the observations made by the High Court in its impugned order.

12. With the aforesaid, the Special Leave Petition stands disposed of.

13. Pending application(s), if any, also stand disposed of.

(HARPREET KAUR)  
COURT MASTER (SH)

(POOJA SHARMA)  
COURT MASTER (NSH)