

MHCC010100872026



IN THE BOMBAY CITY CIVIL COURT AT MUMBAI.

NOTICE of MOTION NO.3958 of 2026

IN

NOTICE of MOTION NO.1643 of 2026

IN

L.C. SUIT NO.641 of 2026

The Fairlife C.H.S,

....Plaintiff

Versus

Municipal Corporation of Gr. Mumbai & Ors.

....Defendants

CORAM : HIS HONOUR JUDGE SHRI C. S. DATIR
(C.R. NO.04).

DATE : 11.08.2026

Appearance:

Advocate Ms. Shaswati Sarkar for plaintiff.

Advocate Ms. Vidya Vyavhare for defendant no. 1 & 2/MCGM.

Advocate Mr. Tejaram Soni for defendant nos. 3 to 5.

ORDER

1. Plaintiff has taken out this Notice of Motion to stay the demolition drive pursuant to the impugned order dated 10/11/2025 for 4 weeks.

2. According to the plaintiff, it a society, having ownership of the plot in which suit structure stands. Structure is old and have started redevelopment process. The Notice of Motion No.1643/2026 has been

dismissed by this Court on 21/07/2026. At that time, an Advocate on record was out of station, therefore, she could not file stay application of the impugned order. If stay has been not granted to the demolition drive, the adjoining structure may be in danger. Therefore, the impugned order dated 10/11/2025 be stayed.

3. As against, the Corporation has filed reply, stating that, the demolition process of the structure is in progress and part of the building has been already demolished, because, it falls under C-I category. Even there was no earlier protection to the plaintiff, therefore, stay to the impugned Notice dated 10/11/2025 cannot be granted.

4. Heard arguments of both sides. Perused the record.

5. The plaintiff had filed Notice of Motion No.1643/2026 which came to be dismissed on merit on 21/07/2026. According to the plaintiff, the demolition drive is not stayed, their structure would be in danger, therefore, impugned Notice issued by the Corporation may be stayed.

6. I am of the view that, while passing the order in Notice of Motion No.1643/2026, Court has already come to the conclusion that, there is a structural audit report, wherein, the suit property i.e. bungalow is more than 50 years old. The structural audit report also disclosed that, the suit structure is in dilapidated condition and falls under **C-I category**. It is not in habitable condition thereby defendant nos. 3 to 5 have vacated the same and started residing separately on rent basis. As the suit structure falls under C-I category, it would not be appropriate to restrain the defendant from taking action enumerated in

the impugned Notice. If action of the defendant is restrained and the dilapidated structure is collapsed, the life of human being would be in question.

7. It also appears, part of the structure is already demolished and demolition work is in progress. Photographs to that effect is placed on record.

8. There is apprehension to the plaintiff that, if defendants have not taken proper precaution while demolishing the structure, the adjoining landlord would face the consequence. Therefore, I am of the view that, the concerned has to take precaution while demolishing the same, so that, the adjoining landlord would not suffer. Considering the C-I category report, it would not be appropriate to stay the impugned Notice/order. Hence, I proceed to pass the following order.

ORDER

1. Notice of Motion No.3958 of 2026 stand dismissed.
2. However, defendants are directed to take proper precaution while demolishing the suit structure, so that, the adjoining landlord shall not suffer.
3. Accordingly Notice of Motion No.3958 of 2026 is disposed of.

(C. S. DATIR)

Judge,

City Civil Court, Gr. Mumbai.

Date: 11/08/2026

Dictated on : 11/08/2026

Typed on : 11/08/2026

Checked on : 11/08/2026

Signed on : 11/08/2026

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL
SIGNED JUDGMENT/ORDER”

11/08/2026

UPLOAD DATE AND TIME

S.S.Sawant (Grade-I)

NAME OF STENOGRAPHER

Name of the Judge (with Court Room no.)	HHJ Shri C. S. DATIR (Court Room No.04).
Date of Pronouncement of Judgment/Order	11/08/2026
Judgment/Order signed by P.O. on	11/08/2026
Judgment/Order uploaded on	11/08/2026