

CNR no.MHTH130037632026



**ORDER BELOW EXH.45 (Application filed by the plaintiff
for extension of status quo or for granting status quo) IN
R.C.S. No.45/2026**

(Mohammad Azam Idul Shaikh Vs. Commissioner, Ulhasnagar
Municipal Corporation & Ors.)

Other side to say.

Date : 13/08/2026
Ulhasnagar

(Rohini A. Jadhav)
Civil Judge J.D.,
Ulhasnagar.

CNR no.MHTH130037632026



**ORDER BELOW EXH.46 (Say filed by the defendants to
Exh.45) IN R.C.S. No.45/2026**

(Mohammad Azam Idul Shaikh Vs. Commissioner, Ulhasnagar
Municipal Corporation & Ors.)

Seen and filed.

Date : 13/08/2026
Ulhasnagar

(Rohini A. Jadhav)
Civil Judge J.D.,
Ulhasnagar.



**ORDER BELOW EXH.45 (Application filed by the plaintiff
for extension of status quo or for granting status quo) IN
R.C.S. No.45/2026**

(Mohammad Azam Idul Shaikh Vs. Commissioner, Ulhasnagar
Municipal Corporation & Ors.)

Perused the application and say filed by the defendants at Exh.46. Heard learned Advocates for both the parties.

2. By the present application, plaintiff has prayed to extend the interim injunction/status quo order till filing of appeal against the orders passed in the present suit. Alternatively, he also prayed to grant interim injunction/status quo till filing of appeal against the orders passed in the present suit or any order in the interest of justice. He also contended that if defendant corporation meanwhile demolishes the suit property, the plaintiff will be deprived of his right of appeal and he will be caused irreparable loss.

3. On the contrary, the defendants objected to allow this application contending that the disputed notice and order are already withdrawn by them by communication dated 17/07/2026 and they are not taking any action on the basis of impugned notices. They



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contended that therefore, the suit has become *infructuous* and no order can be granted in the eyes of law.

4. Perused the record and notice filed by defendants at Exh.23. It is pertinent to mention here that the defendant Corporation has withdrawn the impugned notice dated 10/06/2026 and order dated 17/06/2026 by communication dated 17/07/2026 and application of defendant at Exh.24 has been allowed by passing detailed order resulting in disposal of this suit being *infructuous*. The application filed by the plaintiff for extension of status quo was also rejected considering the principle that interlocutory and ancillary orders to the suit cannot survive independently after disposal of suit. The plaintiff intends to challenge the orders dated 13/08/2026 before the competent forum/authority. But meanwhile if the defendant Corporation demolishes the suit property before appeal/revision/writ petition can be heard, the appeal/revision/writ petition will become substantially ineffective. Therefore, short interim protection is necessary to enable the plaintiff to approach the competent Court.

5. This order shall not be construed as an extension or continuation of the interim order/status quo



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order passed during pendency of the suit nor it shall be construed as expressing any opinion on the legality or validity of the fresh notice dated 21/07/2026 and final order dated 07/08/2026. Hence, I pass the following order.

ORDER

1. Status quo is granted in respect of the suit property for a period of 30 days from today or till expiry of the period for availing the appropriate remedy against the orders passed in the present suit, whichever is earlier.

Date : 13/08/2026
Ulhasnagar

(Rohini A. Jadhav)
Civil Judge J.D.,
Ulhasnagar.