

HARSHADA H. SAWANT  
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER (ST) NO.587 OF 2026  
WITH  
INTERIM APPLICATION (ST) NO.589 OF 2026  
WITH  
INTERIM APPLICATION (ST.) NO.588 OF 2026

Zulfikar Abu Tahir Shaikh and Anr.

Appellants  
.. Applicants /

**Versus**

Municipal Corporation of Greater Mumbai

.. Respondent

- .....
- Mr. Amey C. Sawant a/w. Ms. Eshwaree Kudalkar, Advocates i/by Mr. Suresh M. Sabrad for Appellants / Applicants.
- .....

**CORAM : MILIND N. JADHAV, J.**

**DATE : JANUARY 17, 2026**

**P.C.:**

- 1.** Not on Board. Mentioned by way of filing praecipe dated 17.01.2026. Perused the praecipe.
- 2.** Heard Mr. Sawant, learned Advocate for Appellants / Applicants.
- 3.** At the outset, Interim Application is mentioned seeking condonation of delay of 14 days in filing the Appeal from Order. For the reasons mentioned in the Application, Interim Application (Stamp) No.588 of 2026 is allowed.
- 4.** Appeal from Order and Interim Application is taken up for hearing due to exigency mentioned by Mr. Sawant.

**5.** Appeal from Order challenges the impugned order rejecting interim relief to the Plaintiff. The order has been passed on 25.11.2025. It is appended at page No.12 of the Appeal from Order. Subject premises is a structure is belonging to Plaintiff. There is *prima facie* material placed on record to show that non-agricultural assessment for the land on which the structure is situated has been paid from 01.08.1983 to 31.07.1994. That apart, the slum notification designating the land records are also placed on record, copy of which is appended at page No.55. The said notification pertains to village 'Kiol' which has been wrongly construed by the Corporation while passing the impugned order in furtherance of the notice dated 04.06.2019 to be that from village 'Bhandup'.

**6.** It is seen that Plaintiff has filed a detailed reply dated 07.06.2019 which was considered by the Corporation but the case of Plaintiff was rejected on the ground that he was unable to show any documentary evidence, *inter alia*, with respect to the suit structure. The documentary evidence which the Plaintiff seeks to refer to and rely upon is *prima facie* appended to the Appeal from Order. The ad-interim order itself is continued for a period of more than six years from 2019 to 2025.

**7.** In that view of the matter and documentary evidence which has been appended to the Appeal from Order and details of which have

been considered by Designated Officer in his speaking order dated 17.07.2019 appended at page No.86, the Plaintiff has made out an arguable case for stay of the order dated 25.11.2025.

**8.** In that view of the matter, no coercive steps shall be taken against the Plaintiff's structure in furtherance of the order dated 25.11.2025.

**9.** Hence, issue notice to Respondent.

**10.** Humdast permitted. In addition to Court's notice, Applicants / Appellants are directed to serve the Respondent a copy of this order and copy of Interim Application and Appeal from Order and inform about the next date of hearing by any permissible mode of service and file appropriate affidavit of service with tangible proof thereof.

**11.** Respondent is directed to file their Affidavit-in-Reply before the next date with an advance copy to Mr. Sawant.

**12.** Stand over to **29<sup>th</sup> January, 2026.**

**13.** Interim Application (Stamp) No.588 of 2026 is disposed.

H. H. SAWANT

[ MILIND N. JADHAV, J. ]

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