

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**

**APPEAL FROM ORDER (ST.) NO.4314 OF 2026**  
**WITH**  
**INTERIM APPLICATION (ST.) NO.4315 OF 2026**

Aaditya Pearl Cooperative Housing Society Ltd. .. Appellant

**Versus**

Municipal Corporation of Greater Mumbai and

Anr.

.. Respondents

- .....
- Mr. Suresh Sabrad, Mr. Amey C. Sawant and Ms. Eshwaree Kudalkar for Appellant.
  - Ms. Pranita Saboo, Advocate i/by Kush Shah for Intervenor / Respondent Nos.3 and 4..
  - Ms. Rachna Mamnani, Advocate for Defendant Nos.6 to 9.

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

**DATE : APRIL 17, 2026**

**P.C.:**

**1.** Not on Board. Mentioned by way of filing praecipe dated 17.04.2026. Perused the praecipe.

**2.** Heard Mr. Sabrad, learned Advocate for Appellant; Ms. Saboo, learned Advocate for Intervenor / Respondent Nos.3 and 4 and Ms. Mamnani, learned Advocate for Defendant Nos.6 to 9.

**3.** The request is made on behalf of Appellant to allow Appellant to file Affidavit-in-Rejoinder in proceedings which were relegated back to Trial Court shall finally dispose of Notice of Motion. Time to complete hearing was made upto six weeks to dispose of Notice of Motion but it appears that Plaintiff had in the interregnum file Writ Petition challenging another interlocutory order which was

passed in another Chamber Summons in the same proceedings. That Writ Petition was disposed by order dated 02.04.2026 passed by this Court (Coram : N. J. Jamadar, J.). Thereafter Plaintiff desired to file Affidavit-in-Rejoinder to complete the pleadings as directed in the order dated 13.04.2026. However the learned Trial Court in view of the specific timeline given by the Court vide order dated 13.02.2026 to dispose proceedings within six weeks has passed the impugned order dated 15.04.2026 holding that since the timeline was over, the Notice of Motion is to proceed without Rejoinder.

**4.** Learned Advocate for the Plaintiff informs the Court that in view of the order passed by this Court on 13.02.2026, Trial Court has held that it is bound by the order passed by High Court. Hence, he has moved this Court by way of praecipe seeking extension of time to file Rejoinder.

**5.** Learned Advocate for Intervenors / Defendants are staunchly opposing the request for extension of time to file Rejoinder on the ground that this Court had specifically directed the learned Trial Court to decide the Notice of Motion in a time bound manner and the Plaintiff had in the meanwhile filed a Writ Petition and whiled away the time and did not file the Rejoinder and hence the Plaintiff has lost its right to file the Rejoinder.

**6.** However, considering the request made by the Plaintiff to file the

Rejoinder, I am inclined to allow the request made by Plaintiff. Hence, request made by Defendants is rejected. Plaintiff will file its Rejoinder by tomorrow i.e. 18.04.2026 and serve a copy on the same on all the parties. Learned Trial Court shall accept the same and thereafter decide the Notice of Motion as directed by the order dated 13.02.2026.

**7.** Praecipe is allowed and disposed.

H. H. SAWANT

[ MILIND N. JADHAV, J. ]

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