

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.342 OF 2026
WITH
INTERIM APPLICATION NO.2679 OF 2026

Uma Shailesh Hatle and Anr.

Appellants
.. (Orig. Plaintiffs)

Versus

The Designated Officer, Ward F/South,
Municipal Corporation of Greater Bombay

Respondent
.. (Orig. Defendant)

-
- Ms. Kranti Anand a/w. Ms. Pallavi Kumbhar, Advocates for Appellants.

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CORAM : MILIND N. JADHAV, J.
DATE : APRIL 23, 2026

P.C.:

- 1.** Not on Board. Mentioned at 05:15 p.m. at the time of rising by way of filing praecipe dated 23.04.2026. Perused the praecipe.
- 2.** Heard Ms. Anand along with Ms. Kumbhar, learned Advocates for Appellants.
- 3.** Plaintiffs are Appellants before me. Plaintiffs are residents of Peru Chawl No.2, Lalbaug, Mumbai – 12. They are aggrieved with the impugned order dated 23.01.2026 appended at page No.23 of the Appeal from Order passed by the Trial Court in Notice of Motion No.6532 of 2025 rejecting interim relief.
- 4.** Plaintiffs were constrained to file the Civil Suit in view of impugned notice issued under Section 351 of the Mumbai Municipal

Corporation Act, 1888 (for short '**the said Act**'), copy of which is appended at page No.51 which is dated 04.08.2025. Hearing was granted to the Plaintiff pursuant to which speaking order is passed on 11.11.2025 copy of which is appended at page No.56. Case of Plaintiff has been rejected by Designated Officer on the ground that authentic document in respect of the notice structure are not filed and therefore he is called upon to remove the notice structure.

5. Notice structure in the present case is a wooden door admeasuring 3.65 meter (height) x 1 meter (width) which is put up in the common passage in front of main door of the Plaintiffs' room which is admittedly the corner room in the passage. Building belongs to the Corporation and Plaintiffs are tenants of the Corporation. However the neighbour of Plaintiffs have filed the complaint with respect to putting up of this safety door. There is also a non-cognizable complaint which is filed by Plaintiffs, *inter alia*, in respect to the behaviour of the said neighbour because Plaintiffs have two twin daughters, age – 10 years.

6. On merits it is not the case where Plaintiffs have committed any excess. Rather on the same floor where Plaintiffs' room is situated similar safety door is also constructed by another tenant of the Corporation who is occupying the corner room and there are several other derelictions also. Details of the same are seen from the record

placed before the Court. However legality and validity of the notice structure is questioned by the Corporation.

7. Case of the Plaintiffs which is pleaded and is required to be considered *prima facie* by the Court is that the said safety door is in subsistence since the year 1977 which can be *prima facie* seen from the documentary evidence appended from page No.91 onwards. The Corporation who is the landlord of the property has never taken any objection *per se*. However action is initiated is at the behest of the private complainant. Complaint is also addressed by the Plaintiff No.2 on 07.08.2025 to the Corporation's Engineer, copy of which is appended at Exhibit-H, page No.105 which *prima facie* states the specific reason for putting up of the said safety door. Copy of the police complaint is appended at Exhibit-I, page No.107 onwards. I have perused the same.

8. The impugned order passed by the learned Trial Court infact records the fact that it is at the behest of the complaint made by one of the neighbour having a grudge on the Plaintiffs that the impugned action has been taken. Learned Trial Court has rejected the Plaintiffs' case primarily on the ground that Plaintiffs have failed to show the permission of the Corporation for the purpose of putting up and erecting the safety door. This is the sole ground for rejection of the Plaintiffs' case.

9. Ms. Anand points out that urgent intervention of the Court is required because she has been given to understand that Corporation has proposed a demolition and removal of the notice structure tomorrow. Hence she has requested the Court to intervene today and hence, the present matter is taken up at the time of rising.

10. In view of the aforesaid *prima facie* observations which are emanating from the record and more specifically the fact that the notice structure enures to the safety of Plaintiffs' family, at this interim stage an arguable case is made out by Ms. Anand for stay of the impugned order dated 23.01.2026.

11. In that view of the matter, the Corporation is directed by this Court not to take any coercive steps for removal of the notice structure i.e. said safety door in furtherance of the impugned notice issued by the Corporation and impugned speaking order passed by the Designated Officer dated 11.11.2025 and impugned order dated 23.01.2026 until the present Appeal from Order is heard for admission by this Court.

12. In view of the above, issue notice to Respondent.

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

affidavit of service with tangible proof thereof.

14. Corporation is directed to file Affidavit-in-Reply on merits taking into consideration the grounds pleaded in the Appeal from Order in paragraph No.18 and accordingly file an appropriate Affidavit-in-Reply within a period of four weeks from today. Affidavit-in-Rejoinder, if any to be filed within a period of four weeks thereafter.

15. All concerned to act on server copy of this order downloaded from the website of Bombay High Court which shall be noted by the Corporation.

16. Stand over to **18th June 2026**.

17. Praecipe is disposed.