

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER (ST) NO.5701 OF 2026

Somnath Yallapa Ukrande and Ors. Appellants /
.. Orig. Plaintiffs
Versus
MCGM and Ors. .. Respondents

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• Mr. Batavia, Advocate i/by Samir Sarambalkar for Appellants.
.....

CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 27, 2026

P.C.:

1. Not on Board. Mentioned by way of filing praecipe dated 27.02.2026. Perused the praecipe.
2. Heard Mr. Batavia, learned Advocate for Appellants.
3. Plaintiffs have filed suit in the Trial Court in the year 2021 wherein ad-interim order dated 21.03.2021 was passed and ad-interim relief was granted to Plaintiffs. Learned Trial Court *prima facie* held that Plaintiffs were allotted the suit premises vide allotment order dated 22.01.2020 issued by the Defendant No.1 in the suit proceedings. Learned Trial Court further held that possession receipts, election ID cards, electricity bills and the receipts of Cooperative Housing Society are all standing in name of Plaintiffs with respect to the suit premises and therefore *prima facie* case was made out. Hence, Defendants were directed not to evict the Plaintiffs from Suit

premises till the matter was assigned to the proper Court. The said order dated 21.03.2021 stood continued thereafter until on 24.02.2026 by virtue of the impugned order appended at page No.13 to the praecipe and at page No.14 to the Appeal from Order, learned Trial Court has dismissed Notice of Motion on merits by observing that Plaintiffs have failed to prove the *prima facie* case. The reasoned copy of order dated 24.02.2026 is not uploaded as yet. *Prima facie* allotment letter appended at page No.43 shows the name of Somnath Yallapa Ukrande who is Appellant before me.

4. A common notice is issued which is dated 26.02.2026 which refers to the flat / unit / gala (सदनिका) No.203. The omnibus notice is a 12 hour notice which call upon the unit holder to vacate the premises. '203' is mentioned in that notice pertaining to Building No.7.

5. Considering the aforesaid and the reasoned order not made available, the 12 hour vacating notice dated 26.02.2026 issued by the Assistant Commissioner, M (East) Ward stand stayed immediately. No coercive step whatsoever shall be taken against the Appellants regarding unit No.203 as stated in the notice until the present Appeal from Order is heard.

6. Leave and liberty is granted to Appellants to append the reasoned copy of the order as and when made available. Department

shall allow the same to be placed in the Appeal from Order. Necessary amendment to that effect is permitted. Reverification stands dispensed with.

- 7.** Hence, issue notice to Respondents.
- 8.** Humdast permitted. In addition to Court's notice, Appellants are directed to serve the Respondents a copy of this order and copy of 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.
- 9.** Respondents are directed to file their Affidavit-in-Reply on or before the next adjourned date on merits.
- 10.** Stand over to **26th March 2026**.
- 11.** Praeceptum is disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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by HARSHADA
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