

HARSHADA H. SAWANT  
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER (ST) NO.6000 OF 2026  
WITH  
INTERIM APPLICATION (ST.) NO.6001 OF 2026

Mozam Ali Mir

.. Appellant

**Versus**

The Mumbai Municipal Corporation and Ors.

Respondents

.....

- None for Appellant.
- Dr. Birendra Saraf, Senior Advocate a/w. Mr. Vaibhav Charalwar and Mr. Yash Jain, Advocates i/by Yash Jain for Respondent No.4.
- Mr. Ashish Kamat, Senior Advocate a/w. Mr. Aditya Miskita, Mr. Shiraj Salelkar, Ms. Samiksha Rajput and Ms. Palak Salecha, Advocates for Respondent No.5.

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

**DATE : MARCH 23, 2026**

**P.C.:**

- 1.** Not on Board. Mentioned. Perused the order dated 04.03.2026.
- 2.** Heard Mr. Saraf, learned Senior Advocate for Respondent No.4 and Mr. Kamat, learned Senior Advocate for Respondent No.5.
- 3.** The facts in the present case as pointed out by Dr. Saraf and Mr. Kamat are extremely gross. What is pointed out is completely contrary to what was submitted by Mr. Sakhare, learned Senior Advocate when order dated 04.03.2026 was passed. Appellant is the only person who has not vacated and is obstructing development. Further Appellant is also not in occupation of the said premises.

**4.** I am informed that there is dispute with respect to entitlement of Appellant's flat in the development which is in question in the Civil Court. Dr. Saraf's above contention are duly endorsed by Mr. Kamat.

**5.** Be that as it may, Appeal from Order is also not served till today on the Society. Appellant should come clean before the Court in such type of matters. Developer has received the copy of Appeal from Order only last night. Copy of Appeal from Order shall be served on the Society forthwith by Appellant's Advocate.

**6.** I propose to dispose the present Appeal from Order on next date after hearing Appellant which shall be noted by Appellant in the facts and circumstances of the present case. Appellant is directed to remain present on the next adjourned date.

**7.** I am informed that Appeal from Order is listed on 26.03.2026 at serial No.100. List the Appeal from Order on **26<sup>th</sup> March 2026** on 'Supplementary Board'.

H. H. SAWANT

[ MILIND N. JADHAV, J. ]

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HANUMANT  
SAWANT

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