

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER (ST.) NO.7271 OF 2026
WITH
INTERIM APPLICATION (ST.) NO.7272 OF 2026

Ali Athar Khan

Appellant
.. (Ori Plaintiff)

Versus

Haji Jamaluddin Vali Mohammed & Company
and Ors.

Respondents
.. (Ori Defendant)

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- Mr. Pradeep Thorat a/w. S. Shamim, Advocates i/by S. Shamim & Co. for Appellant.
 - Ms. Zainab R. Shaikh, Advocate for Respondent Nos.1 to 3.
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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 23, 2026

P.C.:

- 1.** Not on Board. Mentioned by way of filing praecipe dated 23.03.2026. Perused the praecipe.
- 2.** Heard Mr. Thorat, learned Advocate for Appellant and Ms. Shaikh, learned Advocate for Respondent Nos.1 to 3.
- 3.** Dispute in the present case is between landlord of the property and an occupant who claims to be a tenant. The case of tenant is refuted by landlord stating that he is an illegal occupant.
- 4.** Be that as it may, the impugned action in the present case is in respect of construction of an iron gate on the property. Case of Plaintiff is that said property is a public property as it affects premises

occupied by Plaintiff. However the case of landlord is to the contrary.

5. Both the parties have made their respective submissions. However, in view of *lis* between the parties, it would be appropriate if the Corporation informs the Court as to whether the impugned action taken by landlord of constructing the iron gate is proper in law or otherwise.

6. Hence, issue notice to Respondents. Ms. Shaikh waives service on behalf of Respondent Nos.1 to 3.

7. Humdast permitted. In addition to Court's notice, Appellants are directed to serve the Respondents 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.

8. Affidavit-in-Reply, if any is directed to be filed on or before the next adjourned date by Respondents.

9. The iron gate partially installed by landlord in the meanwhile shall not be disturbed by the Corporation until the present Appeal from Order and dispute is heard by the Court.

10. Considering that ad-interim relief was granted by Court earlier, for a limited period the same shall stand continued subject to Corporation informing the Court with respect to the aforesaid issue.

11. Advocate for Corporation shall take appropriate instructions with respect to the status of the impugned action and inform the Court accordingly so that the Appeal from Order can be disposed on the next adjourned date.

12. Stand over to **02nd April 2026**. To be placed under the caption '**For Orders**'.

13. Praecipe is disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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