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

**APPEAL FROM ORDER NO. 172 OF 2025**

Subir Kumar Banerjee and Anr. Appellants  
.. (Orig. Plaintiffs)

**Versus**

Brihanmumbai Municipal Corporation Respondents  
Through Commissioner and Anr. .. (Orig. Defendants)

**WITH**

**INTERIM APPLICATION NO. 3683 OF 2025**

**IN**

**APPEAL FROM ORDER NO. 172 OF 2025**

Octavius Co-operative Housing Society Ltd. Applicant  
.. (Intervenor)

**IN THE MATTER BETWEEN**

Subir Kumar Banerjee and Anr. Appellants / Orig.  
.. Plaintiffs

**Versus**

Brihanmumbai Municipal Corporation Respondents  
Through Commissioner and Anr. .. (Orig. Defendants)

.....

- Mr. Prathamesh Kamat a/w. Ms. Sneha Patil, Ms. Isha Vyas and Ms. Aditi Sinha, Advocates i/by Maniar Srivastava Associates for Appellants.
- Mr. Rohan Cama a/w. Mr. Kaustubh Patil and Parmar Dixit, Advocates i/by Mr. Kaustubh Patil for Applicant / Intervenor in Interim Application No.3683 of 2025.
- Mr. Sachin Vajale, Advocate for Respondent – BMC.
- Mr. Amol Thorat (S.E.) B&F, S-Ward and Mr. Rohit Ghube, (J.E.), B&F, S-Ward, both present.

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

**DATE : FEBRUARY 05, 2026.**

**P.C.:**

1. Heard Mr. Kamat, learned Advocate for Appellants; Mr. Cama, learned Advocate for Applicant / Intervenor in Interim

Application No.3683 of 2025 and Mr. Vajale, learned Advocate for Respondent – BMC.

2. The order dated 29.01.2026 stands complied with.
3. Mr. Vajale, learned Advocate for the Corporation files a detailed Report alongwith plan dated 04.02.2026 appended thereto. The inspection of the premises has been duly taken by the Officers of the Corporation. They are present in Court. The swiftness with which the Corporation's Officers have acted is appreciated by the Court. Copies of the plan and Report are given to both the learned Advocates appearing before me for the warring parties. They shall file their respective Affidavit-in-Reply within a period of four weeks from today. After their Affidavits to the Report and the plan are filed on the basis of cogent material, parties are permitted to file their Affidavit-in-Reply thereto *inter se* with each other within a period of further two weeks.
4. The Society has also filed Affidavit placing on record the details of the *lis*. Copy of the same is given to Mr. Kamat. If necessary, Reply thereto is permitted to be filed before the next date.
5. Interim Application is taken out by the Co-operative Housing Society shall be considered on the next date after looking into the Affidavits filed by the respective parties and their objections carried thereto.

6. Stand over to 26<sup>th</sup> March, 2026.

[ MILIND N. JADHAV, J. ]

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