

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER (ST.) NO.11261 OF 2026
WITH
INTERIM APPLICATION (ST.) NO.11264 OF 2026

Shantilal Pannalal Jain .. Appellant

Versus

The Maharashtra Housing and Area
Development Authority (MHADA) .. Respondent

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- Dr. Ranjit A. Thorat, Senior Advocate a/w. Mr. Hemant Ghadigaonkar and Mr. Pramod Gautam for Appellant.
 - Mr. Satyajee P. Dighe, Advocate for Respondent.
 - Mr. Rakesh Agarwal, Advocate for Intervenor – Society and Developer.

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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 17, 2026

P.C.:

- 1.** Not on Board. Mentioned by way of filing praecipe dated 17.04.2026. Perused the praecipe.
- 2.** Heard Mr. Thorat, learned Senior Advocate for Appellant; Mr. Dighe, learned Advocate for Respondent and Mr. Agarwal, learned Advocate for Intervenor – Society and Developer.
- 3.** Exigency is pleaded by Dr. Thorat on behalf of Appellant who is the Plaintiff before the Trial Court. Yesterday evening i.e. on 16.04.2026 at 05:00 p.m. the impugned order has been passed. Despite the request made by the Appellant – Plaintiff to continue the statement made by Maharashtra Housing Area Development Authority

(for short 'MHADA') to enable the Plaintiff to maintain the present proceedings, the request has been rejected. In that view of the matter, citing the aforesaid exigency the Court, Plaintiff has moved to this Court.

4. Mr. Agarwal intervenes and informs the Court that there was no such statement made by MHADA to protect the Appellant – Plaintiff's structure and he would also draw my attention to the order passed by Division Bench of this Court yesterday i.e. 16.04.2026 in regard to the suit structure. He would make a grievance that for the last two years every effort has been made by Plaintiff to stall demolition of the structure and present Appeal from Order is one more attempt by him to stall development which is stalled because of the Plaintiff's impending structure.

5. In the order which is passed yesterday on 16.04.2026, Mr. Agarwal would submit that on behalf of Developer a statement was made on the basis of communication dated 30.03.2026 addressed by MHADA to the Senior Police Inspector, Borivali (East), Mumbai that necessary action for demolition will be taken on 17.04.2026 i.e. today. Today just now when this order is being dictated it is 11:43 a.m. in the morning.

6. Dr. Thorat informs the Court that the entire machinery of MHADA is present at the suit site and is wanting to undertake the

demolition at 12:00 Noon today.

7. However considering the present proceedings which is a statutory substantive appellate right of the Plaintiff, I direct MHADA to withhold its hands to enable this Court to determine the present Appeal from Order and the Interim Application filed alongwith it and thereafter undertake the demolition.

8. Needless to state that while taking cognizance of the order passed by the Trial Court and submissions made by the Developer and the Society whose development is stalled because of the impending structure, this Court puts Appellant – Plaintiff on notice and calls upon him to argue the Appeal from Order on next adjourned date.

9. Mr. Dighe, learned Advocate enters appearance for MHADA. He shall convey the passing of this order to the MHADA Authorities and equally he will be ready to argue the present Appeal from Order on the next adjourned date.

10. Needless to state that this order is restricted only to the structure of the Appellant before this Court because Mr. Agarwal submits that because of this very order the other structures will take benefit. Hence, this fact is clarified on the request made by Mr. Agarwal.

11. MHADA is directed to withhold its hands until the next

adjourned date to enable this Court to determine the present Appeal from Order and the Interim Application for admission.

12. Stand over to **20th April 2026**. To be placed under the caption '**First on Board**'.

13. Praecipe is disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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by HARSHADA
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