

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.3580 OF 2026
(For Stay)
IN
FIRST APPEAL NO.512 OF 2026

Sayyed Abdul Rahim S/o Sayyed Kadar Badshah ...Applicant/
Appellant

Versus

Municipal Corporation of Greater Mumbai ...Respondent

Mr. Vikram N. Walawalkar i/b Mr. V. S. Kapse for the Applicant/Appellant

Ms. Pallavi Khale i/b Ms. Komal Punjabi None for the Respondent-BMC

CORAM : SHARMILA U. DESHMUKH, J.

DATE : MAY 8, 2026

P. C. :

1. The Interim Application has been moved urgently, as the stay which was operating in favour of the Applicant during the Trial Court proceedings expired on 27th March 2026.
2. Mr. Walawalkar, learned counsel appearing for the Applicant submits that the order was passed on 30th March 2006 and the application for certified copy was made on 2nd April 2006, which was ready on 2nd May 2026 and was delivered on 4th May 2026. He submits

that in view thereof, the First Appeal could not have been filed before the expiry of the period of stay.

3. The suit structure was protected by the order of the Trial Court dated 20th May 2012 and the interim relief which was operating in favour of the Plaintiff was further extended by a period of four weeks by the Trial Court. However, as the certified copy of the order was not available, no application could be moved before the expiry of the period of stay. In event, the stay is not granted, there is every possibility of the suit structure being demolished and the entire Appeal will be rendered infructuous.

4. In light of the above, the interim relief which was operating in favour of the Plaintiff during the Trial Court proceedings is extended till the next date.

5. Stand over to **25th June 2026.**

6. Interim relief to continue till the next date.

[SHARMILA U. DESHMUKH, J.]