

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER (ST) NO. 14056 OF 2026

Janaki Salian and Ors.

.. Appellants

Versus

Gopal Krishnappa Shriyan and Ors.

.. Respondents

-
• Mr. Samir Vaidya a/w. Kevinn N. Gala, Advocates for Appellants.

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

DATE : MAY 08, 2026.

P.C.:

1. Not on Board. Mentioned by way of filing praecipe dated 08.05.2026. Perused the praecipe.

2. Heard Mr. Vaidya, learned Advocate for Appellants.

3. Mr. Vaidya informs the Court that the Appellant who is Defendant No.9 before the Trial Court is in settled possession of the suit premises. He would submit that a strong circumstance which is proven from the record is that Defendant No.11 – MHADA had handed over possession of the suit premises to Defendant No.9 in the year 2007. He would submit that this was the original tenement. Next he would submit that the property went for redevelopment and the redeveloped tenement is now ready for handing over possession. He would submit that handing over of the new tenement is restrained by the impugned order. There are reasons which are given in the impugned order by the learned Trial Court. In that view of the matter,

I need to hear the Plaintiffs as also any other Defendants who may have an interest including MHADA.

4. Hence, issue notice to Respondents. Humdast permitted.

5. In addition to Court notice, Appellants are permitted to serve copy of Appeal From Order and this order on Respondents and inform about the next date of hearing by any permissible mode of service and file appropriate Affidavit of service with tangible proof thereof on or before the next date.

6. Respondents are directed to take cognizance of this order and file their Affidavit-in-Reply within a period of three weeks from today. Copy of the same shall be served on the other side in advance. Rejoinder, if any, to be filed within one week thereafter.

7. Mr. Vaidya has also referred to and relied upon the Division Bench orders of this Court dated 17.04.2026 and 02.04.2026 passed in Writ Petition No.651 of 2025 which have an effect on the present proceedings and the case of Defendant No.9.

8. Parties in the Appeal From Order shall take cognizance of the said order and ensure that the same dealt is with in their respective Affidavit-in-Reply.

9. Stand over to **12th June 2026**.

10. All parties are directed to act on a server copy of this order downloaded from the website of the High Court of Bombay.

[MILIND N. JADHAV, J.]

Ajay

Digitally signed
by AJAY
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Date:
2026.05.11
17:48:47 +0530