

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.617 OF 2025

Raghuveer Shantaram Vaidankar

Appellant /
.. Org. Plaintiff

Versus

Maharashtra Housing & Area Development
Authority and Anr.

.. Respondents

-
• Mr. Sagar Batavia, Advocate for Appellant / Org. Plaintiff.

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

DATE : FEBRUARY 17, 2026

P.C.:

- 1.** Not on Board. Mentioned by way of filing praecipe dated 17.02.2026. Perused the praecipe.
- 2.** Heard Mr. Batavia, learned Advocate for Petitioner.
- 3.** Appeal from Order has been filed on 06.11.2025. immediately after receiving order dated 03.11.2025 which is the oral impugned order in the present case.
- 4.** Mr. Batavia draws my attention to paragraph No.5 in which the reasons are given for rejection of Plaintiff's case. It is held by the learned Trial Court that there is no separate and specific order regarding allotment of suit premises to Plaintiff and the endorsement is only on the notice Exhibit-B dated 23.12.2005. It has held that there must be allotment order alongwith stamp and seal of Defendants in

favour of Plaintiff and only then his *prima facie* legal possession can be gathered.

5. Mr. Batavia has drawn my attention to allotment order at page Nos.65 and 68 namely possession receipt bearing seal and stamp of Maharashtra Housing and Area Development Authority.

6. *Prima facie*, it appears that the reason given in paragraph No.5 is not consonance with documents which are placed on record by Plaintiff. In that view of the matter, order dated 03.11.2025 shall stand stayed. Any action in furtherance of said order, including 48 hours notice dated 16.02.2026 is also stayed forthwith.

7. No coercive steps shall be taken against Plaintiff for eviction of Plaintiff from the suit premises nomenclatured as Room No.1806 in Building No.2B.

8. Hence, issue notice to Respondents.

9. Humdast permitted. In addition to Court's notice, Appellant / Original Plaintiff is directed to serve the Respondents a copy of Appeal from Order and this order and inform about the next date of hearing by any permissible mode of service and file appropriate affidavit of service with tangible proof thereof.

10. Affidavit-in-Reply is directed to be filed within a period of four weeks from today.

11. Stand over to **12th March 2026.**

12. Praeceptum is disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

HARSHADA
HANUMANT
SAWANT

Digitally signed
by HARSHADA
HANUMANT
SAWANT
Date: 2026.02.17
16:30:40 +0530