

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**INTERIM APPLICATION NO. 389 OF 2021
IN
SUIT NO. 2427 OF 2012**

**Onkar Industrial Premises Co-Op Society Ltd. ...Applicant/Plaintiff
V/s.
Hiranandani Industrial Enterprises and Ors. ...Defendants**

**WITH
INTERIM APPLICATION NO. 1398 OF 2025**

Mr. Shriram Kulkarni with Mr. Sachin Chavan and Mr. Biju Joshi for the Plaintiff.

Ms. Vidisha Rohira i/b Mr. Ranadive for the Defendant No.1.

Mr. Devansh Bheda with Mr. Rahul Agrawal i/b Purnanand & Co. for the Defendant No.2.

Mr. Drupad Patil with Ms. Pooja Yadav, Ms. Apurva Dalal and Mr. Rohit Gaikwad i/b Ms. Komal Punjabi for the Respondents No. 3 & 4-BMC.

**CORAM : ABHAY AHUJA, J.
DATE : 10th NOVEMBER, 2025**

P.C. :

1. This matter was kept back in the morning session in as much as Mr. Kulkarni, learned Counsel appearing for the Plaintiff had sought some time to take instructions on the Interim Application No. 32916 of 2025, which is not on board.

2. This Interim Application has been filed by the Municipal Corporation of Greater Mumbai seeking directions that this Court

pending the hearing and final disposal of the Suit No. 2427 of 2012, permit the Municipal Corporation to take possession and carry out regular improvement and repairs of the 13.40 m(44') wide road which is prescribed as a road line vide approval dated 9th June, 2008 being Exhibit-A to the Application. Mr. Patil, learned Counsel appearing for the Municipal Corporation has submitted that the Interim Application has been filed in view of the emergent condition of the road which requires urgent repairs. Mr. Patil draws the attention of this Court to the pictures at exhibits in the Application, which indicate a rather precarious condition of the road dangerous for vehicles as well as passersby.

3. This Court accordingly requested Mr. Kulkarni and the other learned Counsel appearing in the matter to take instructions with respect to permitting the urgent repairs sought by the Applicant-Corporation in the said Application and that is how the matter was kept back.

4. When the matter is called out in the afternoon session, Mr. Kulkarni, learned Counsel for the Plaintiff -Society submits that he has instructions to file reply to the Application in as much as the

Application and particularly Exhibit H does not depict the correct position of the subject road.

5. Mr. Bheda, learned Counsel appearing for the Defendant No.2 also seeks time to file reply.

6. While the Defendants in the Suit and Respondents in the Interim Application are at liberty to file reply, without prejudice the rights and contentions of the parties, to the Interim Application filed by the Municipal Corporation, this Court considering the condition of the subject road, directs the Applicant to take steps and to carry out the repairs of the subject road within a period of four weeks and place a report before this Court on the next date.

7. Let reply to the Interim Application be filed within a period of two weeks with copy to the others. Rejoinder in two weeks thereafter with copy to the others.

8. List on **15th December, 2012**. All parties are expected to cooperate with the Applicant in the repair of the subject road.

Interim Applications No. 389 of 2024 and 1398 of 2025

9. Registry to accept the replies / rejoinders. List on **15th December, 2025.**

10. Let the Applicant-Municipal Corporation also indicate by the next date the compensation that would be paid to the owners and the timelines within which the same would be deposited in the Court.

(ABHAY AHUJA, J.)