

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

**INTERIM APPLICATION NO.3276 OF 2024
IN
SUIT NO.845 OF 1976**

Muhmad Husain Mohamed ... Applicant

V/s.

Aishabi Fakirmohammed ... Respondent

**WITH
INTERIM APPLICATION NO.2999 OF 2025
IN
SUIT NO.845 OF 1976**

Tabassum Ashraq Patel ... Applicant

V/s.

Aisha Fakirmohammed And Ors. ... Respondents

Ms. Insha Hanif a/w Ms. Fatima Rumani nd Ms. Tasmiya Siddiqui i/b
Judicare Law Associates for the Defendant in Suit No.845 of 1976 and
Respondents in Interim Application No.3276 of 2024 and Intervener in
Interim Application No.2999 2025.

Mr. Akshay Shinde, for Respondent No.1-MMRDA.

Dr. Pawan Pandey i/b Claydermand & Co. for the Applicants in Interim
Application No.3276 of 2024.

Mr. G.O. Giri i/b Ms. Komal Punjabi for the MCGM.

Ms. Nandini Deshpande, 1st Assistant to Court Receiver, present.

CORAM : ABHAY AHUJA, J.

DATE : 25 SEPTEMBER 2025

P.C. :

1. This matter was kept back in the morning session as the learned

Counsel for the MMRDA, to whom the Court notice was served was not present.

2. When the matter is called out in the afternoon session, Mr. Akshay Shinde, learned Counsel appears for the MMRDA and submits that in pursuance of the Order dated 2nd March 2022, in Interim Application (L) No.2923 of 2022 in Suit No.845 of 1976, the MMRDA has filed Miscellaneous Application before the Small Causes Court, Mumbai, for depositing of the quantum of the compensation in accordance with the Consent Terms and for distribution. Therefore, prayer clauses (e) and (f) of the Interim Application, would not survive now.

3. I have perused the Order dated 2nd March, 2022 and in particular, paragraph 11(iii) thereof and I am of the view that Mr. Shinde is right.

4. Since, it has been stated that a Miscellaneous Application has already been filed before the Small Causes Court, Mumbai, let the Applicant(s) pursue the said Application there.

5. As regard the encroachments on the suit property, Mr. G.O. Giri,

learned Counsel appearing for the MCGM submits that, the Assistant Commissioner of the MCGM is present in Court. Mr. Giri submits, on instructions, that since there are encroachments on the suit land, some of which are also legal, once a list is furnished by the Court Receiver to the MCGM, after due verification of legal and illegal encroachments, the exercise of removal of the encroachments can be considered.

6. Let said List be furnished by the Court Receiver to the MCGM within a period of one week from today.

7. Let the MCGM consider the said List and revert with a report within a period of four weeks.

8. List on **12th November, 2025.**

(ABHAY AHUJA, J.)