

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

SUIT NO. 3553 OF 2004

M/s. Mahendra Builders ... Plaintiff

Versus

Brihan Mumbai Municipal Corporation
of Gr. Bombay and others ... Defendants

WITH

NOTICE OF MOTION NO. 1433 OF 2019

INTERIM APPLICATION NO. 7409 OF 2025

IN

SUIT NO. 3553 OF 2004

.....
Mr. Karl Tamboly alongwith Ms. Azraa Millwalla instructed by M/s. Rashmikant and Partners, Advocate for the Plaintiff.
Mr. Anil Sakhare, Senior Advocate alongwith Ms. Pooja Yadav and Mr. Shivprasad Borade, Advocate for the Defendant-BMC.
Mr. Pritvish Shetty instructed by Vidhii Partners, Advocate for the Defendant No.2.
Ms. Gauri Sawant, AGP for the State.

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CORAM : ABHAY AHUJA, J.

DATE : 23 APRIL 2026

PC. :

1. This matter was kept back in the morning session as the learned Senior Counsel and the learned Counsel needed some time to come up with a common list of issues.

2. When the matter is called out in the afternoon session, common draft issues are tendered across the bar and after some discussion, the following issues are framed, by consent :

ISSUES

- (i) Whether the present suit is maintainable ?
- (ii) Whether the Plaintiff proves that they are the owners of the building 'Mahendra Chambers' on Plot No.A-1 ?
- (iii) Whether the Plaintiff proves that the attempt by Defendant No.1 of re-entry in Plot No.A-1 and the building Mahendra Chambers ("Suit Property") on 2nd May 2003 and the panchnama made on 2nd May 2003 is illegal and without due process of law ?
- (iv) Whether the Plaintiff proves that Parsee Punchayet was competent and had legal authority to assign lease in favour of the Plaintiff and that assignment will bind Defendant No.1 Corporation in respect of Plot No.A-1 ?
- (v) Whether the Plaintiff proves that they are entitled to continue to remain in possession of Plot No.A-1 ?
- (vi) If the answer to issue No.2 is against the Plaintiff, then whether the Plaintiff is entitled to a decree for mandatory injunction directing Defendant No.1 to restore possession of the Suit Property to the Plaintiff ?
- (vii) Whether the Plaintiff proves that it is the lawful successor-in-interest to the Suit Property by virtue of *inter alia* the agreement dated 23rd August 1974 and letter dated 29th January 1976 and registered deed of assignment dated 4th March 2003 ?

- (viii) Whether the Plaintiff proves that the Plaintiff is entitled to a decree directing Defendant No.1 Corporation to renew the lease and/or grant a fresh lease in favour of the Plaintiff in respect of Plot No.A-1 ?
- (ix) Whether the Plaintiff proves that the Letter of Intent dated 10th April 2003 issued by Defendant No.1 in favour of Defendant No.2 is bad in law and liable to be set aside ?
- (x) Whether the Plaintiff is entitled to a decree for monetary damages in the sum of Rs.36,62,23,529/- as per Exhibit AH ?
- (xi) What reliefs is the Plaintiff entitled to ?
- (xii) What decree or order ?
- (xiii) What costs ?

3. Let the Plaintiff within a period of six weeks file an affidavit of examination-in-chief of the Plaintiff's witness alongwith affidavit and compilation of documents duly indexed and paginated and serve the same upon the Defendants alongwith list of Plaintiff's witnesses.

4. Discovery and inspection to be completed within a period of two weeks thereafter.

5. Defendants to file statement(s) of admission and denial within a period of two weeks after that, with copy to the other side.

6. List on **2nd July 2026** for marking of Plaintiff's documents.

7. Let the Plaintiff's witness remain present in Court on the next date.

(ABHAY AHUJA, J.)