

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 AND ANOTHER)...APPLICANTS

IN THE MATTER BETWEEN

AISHABI FAKIRMOHAMMED AND OTHERS)...PLAINTIFFS

V/s.

MOHAMMED JANMOHAN (since deceased))
KHATIJABAI AND OTHERS)...DEFENDANTS

AND

HON. METROPOLITAN COMMISSIONER)
AND ANOTHER)...RESPONDENTS

Dr.Pawan Pandey a/w. Ms.Anita Dwivedi, Suman Gupta, Mr.Ashok Gupta i/by Claydermand & Co., Advocate for the Applicants.

Ms.Insha Shaikh a/w. Hafiz Kotwala and Ms.Tasmiya Siddique i/by Judicare Law Associates, Advocate for the Respondents.

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

CORAM : ABHAY AHUJA, J.

DATE : 17th JUNE 2025

P.C. :

1. This Interim Application *inter alia* seeks prayers with respect to bringing the legal heirs of the parties to the Consent decree dated 20th January 1997 on record as well as a direction to the Respondent no.2 - Mumbai Metropolitan Region Development Authority ("MMRDA") to

disburse / release the compensation amount determined under the award to the landowners as agreed under the said Consent decree and the balance amount to be retained by MMRDA.

2. When the matter is called out, Dr.Pawan Pandey, learned Counsel, appears for the Applicants and tenders across the bar a tabular chart containing the names of the legal heirs viz. the proposed Respondents.

3. Ms.Insha Shaikh, learned Counsel, appears for all the Respondents and submits that an Interim Application (L) No.12440 of 2025 has been taken out by the Respondents as well to bring the legal heirs on record and also for compensation. Ms.Shaikh submits that the said Interim Application be listed along with this Interim Application and also some time be granted so that the tabular chart with respect to the heirs of the Defendants can be verified and if necessary, file a reply. Let the reply be filed within a period of two weeks with a copy to the other side.

4. It is observed that the Municipal Corporation as well as the MMRDA are also party Respondents to this application, however, none appears for the said Respondents.

5. Registry is directed to issue notice to the Respondents no.1 and 2 to remain present in this Court with respect to the application on board as well Interim Application (L) No.12440 of 2025 on the next date, so that appropriate effective orders can be passed.

6. List on **8th July 2025** along with Interim Application (L) No.12440 of 2025.

(ABHAY AHUJA, J.)