

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 7311 OF 2026
IN
FIRST APPEAL NO. 1296 OF 2026

Bashir Pannikkaveetitii
Moinuddin Kutty

Applicant

Versus

Municipal Corporation Of
Greater Mumbai and Anr

Respondents

Mr. Khan Javed Akhtar, Advocate, for the Applicant.

Mr. Pradeep M. Patil, Advocate, for the Respondent-BMC.

CORAM: AARTI SATHE, J.

DATE: 17th SEPTEMBER 2026.

P.C.

1. This Interim Application has been filed praying for the following substantive reliefs:

“(a) Pending the hearing and final disposal of this Appeal, this Hon’ble Court be pleased to the stay granted by the Trial Court by an Order dated Judgment and Order dated 18/08/2026 passed by the Ld. District Judge, City Civil Court, Borivali Division at Dindoshi, Mumbai in L.C. Suit No. 3159 of 2014 be continued.

(b) That pending the hearing and final disposal of this Appeal, this Hon’ble Court be pleased to stay the effect, operation and implementation of the impugned notice 22.08.2014, under Section 351 of the Mumbai Municipal Corporation Act, 1888 and final demolition order dated 15.11.2014 and this Hon’ble Court be further pleased to restrain the Respondent No. 1 and its officers from taking any action of demolition in furtherance of impugned notice dated 22.08.2014, under Section 351 of the Mumbai Municipal Corporation Act, 1888 and final demolition order dated 15.11.2014.

(c) Ad-interim and interim reliefs in terms of prayer clause (a) and (b) above be granted.

(d) For Costs.

(e) For such other and further reliefs as the nature and circumstances of the case may require as this Hon'ble Court may deem fit and proper be granted."

2. Applicant herein has filed the First Appeal against the judgment and order of the Trial Court dated 18th August 2026. After the pronouncement of the judgment dated 18th August 2026, the Trial Court had granted stay to the Applicant in the form of continuing ad interim injunction till the Applicant files Appeal before the higher forum namely this Court.

3. Learned counsel on behalf of the Applicant has submitted that this stay will cease to operate now as the Applicant has filed the Appeal before this Court. Considering that the Appeal is pending adjudication, and also that the Applicant has raised issues which need to be considered in the First Appeal, this Court is of the view that the Interim Application be allowed in terms of prayer clause (a).

4. Therefore, by way the judgment and order dated 18th August 2026, passed by the Trial Court Ad-interim relief to be continued till the next date of hearing.

5. Interim Application stands disposed of in the aforesaid terms.

6. Learned counsel on behalf of the Applicant to file the convenience compilation on or before the next date of hearing in the First Appeal.

7. Stand over to **26th November 2026**.

(AARTI SATHE, J.)