

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 930 OF 2024
WITH
INTERIM APPLICATION (ST) NO. 26634 OF 2025

Kushabai Sajdev Dutkar
(since deceased) through Legal Heirs
Lahu Sajdev Dutkar & Ors.

.. Petitioners

Versus

Macrotech Developers Ltd & Ors.

.. Respondents

.....

- Mr. Rupesh K. Bobade a/w Ms. Shraddha K. Nakadi, Advocates for Petitioners
- Mr. Hitendra Parab, Advocate for Respondent No. 1
- Ms. P.J.Gavhane, AGP for Respondent No. 6

.....

CORAM : MILIND N. JADHAV, J.

DATE : AUGUST 14, 2025

P. C.:

1. Heard Mr. Bobade, learned Advocate for Petitioners; Mr. Parab, learned Advocate for Respondent No. 1 and Ms. Gavhane, learned AGP for Respondent No. 6.

2. After going through the facts of the present case, it is *prima facie* seen that Petitioner is the daughter of the original protected tenant whose name was mutated in the subject property as a tenant since 1963 by virtue of mutation entry No. 360. In 1986 there were certain incidents which referred back to the Section 32-G Certificate granted in 1963 to the protected tenant which has *prima facie* led to the present proceedings.

3. It is *prima facie* borne out from the record that by order dated 19.09.1963, order under 32-G was passed and the name of predecessor-in-title of Petitioner before me was mutated. 32-M certificate was also granted after payment of purchase price but the same is not part of record. Mr. Bobade is permitted to place the same on record on affidavit. Mr. Parab shall consider the same and file appropriate additional affidavit to enable the Court to determine the present Writ Petition.

4. Considering the aforesaid controversy, Petition shall be heard and disposed of at the stage of admission on the next adjourned date.

5. Mr. Bobade has made a grievance that in the interregnum, Respondent No. 1 has started construction on the subject property. His grievance shall be considered on the next adjourned date.

6. Stand over to **4th September, 2025.**

[MILIND N. JADHAV, J.]

Amberkar

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