

CORAM : GAURI GODSE, J.

DATE : 5th AUGUST 2025

ORDER :

1. This appeal is filed by the plaintiff to challenge the order refusing to grant ad-interim relief. The suit is filed to challenge the orders dated 14th July 2025 and 2nd June 2025 purportedly passed by MHADA under Section 95A of the The Maharashtra Housing and Area Development Act, 1976 ("MHADA Act"). Learned counsel for the appellants submits that there is an apprehension of eviction in view of the orders impugned in the suit. Hence, this appeal is filed.

2. Learned counsel for respondent nos. 1 to 3 -MHADA and respondent no. 4 – Developer on instructions submits that the notice of motion is still pending in the City Civil Court and they shall file their respective reply on or before the next date in the suit and that the motion can be decided by the City Civil Court. Since the notice of motion is still pending and the reply is not yet filed, the respondents agree that no coercive action shall be taken against the appellant till the notice of motion is decided.

3. The appeal is therefore disposed of by passing the following order :

(i) The impugned order dated 25th July 2025 passed in Suit No. 1644 of 2025 is quashed and set aside.

(ii) The respondents shall file their respective reply to the notice of motion in the suit on or before the next date, i.e. 21st August 2025, with an advance copy to the learned Advocate for the plaintiff.

(iii) The City Civil Court shall decide the notice of motion on its own merits in accordance with law uninfluenced by the impugned order and this order.

(iv) All rival contentions of the parties on merits are kept open.

(v) The respondents shall not take any coercive action against the appellant till the decision of the notice of motion.

(vi) The parties shall co-operate for early disposal of the notice of motion and shall not seek unnecessary adjournment.

- (vii) The appeal is disposed of in the aforesaid terms.
- (viii) In view of the disposal of the appeal pending applications, if any are disposed of as infructuous.

[GAURI GODSE, J.]