

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 7315 OF 2025
IN
FIRST APPEAL NO. 859 OF 2025

Gorima Alamsab Shaikh w/o Alamsab ...Applicant.
Shaikh Aslo Known as Gauribai

IN THE MATTER BETWEEN

Gorima Alamsab Shaikh w/o Alamsab ...Appellant.
Shaikh Aslo Known as Gauribai

Versus

Waleshwar Chandanbala Co-operative ...Respondents.
Housing Society Limited & Another

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Mr SS Redekar, *for the Applicant/Appellant.*
Mr Mayank Bagla (*appeared online*), *with Swapan Samdani, i/b*
Swapan Samdani, for the Respondents.

CORAM: Sharmila U. Deshmukh, J.
DATED: April 16, 2025.

P.C.:

1. The Interim Application has been preferred urgently as the Respondents have proceeded to demolish the portion of the suit structure on the ground that the Suit has been dismissed and the status quo order has not been extended.

2. Learned Counsel appearing for the Appellant submits that the Suit came to be dismissed by an order dated 28th March 2025, however, a copy of the Judgment and Decree is not

available till date. He submits that as the Judgment was not available, the First Appeal though drafted could not be filed as the Department refused to accept the same. He submits that taking advantage of the said facts, the Respondents have demolished the roof of the suit structure and are trying to demolish the entire structure.

3. Learned Counsel appearing for the Respondents submits that the Applicant is not entitled to possession of the suit premises and as the status quo order was not extended, the structure has been partly demolished.

4. Perusal of the order dated 28th March 2025 of the Trial Court indicates that the Trial Court has pronounced the dismissal of the Suit and that reasons will be separately recorded. After the pronouncement of the order of 28th March 2025 till date, the Judgment is not available and, hence, the Appellant was handicapped in preferring the present Appeal.

5. Considering the fact that there was an order of status quo which was operative since 8th October 2023 and which was also continued by the Apex Court, it was not expected that the Respondents in such situation will act in extreme haste and demolish the structure. Pending the filing of Appeal, the structure was required to be protected by the Trial Court, however, the same has not been done and neither the complete Judgment has been uploaded.

6. In light of the above, as the Applicant's structure was protected from 8th October 2023, the same is protected till 10th June 2025. The Trial Court is requested to make available a copy of the Judgment before the next date, so that this Court will have the benefit of reasons while deciding the issue of admission.

7. Stand over to **10th June 2025.**

(Sharmila U. Deshmukh, J)