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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 9737 OF 2025
IN
FIRST APPEAL NO.734 OF 2022**

Mrs Rekha Sunilkumar Vijan	...Applicant
IN THE MATTER BETWEEN	
Smt. Vimladevi Ramnath Vijan (since deceased)	
Ms. Veena Kumari Ramnath Vijan	Appellant
Vs.	
Sunilkumar Ramnath Vijan & Ors.	Respondents

Mr. J. J. Xavier a/w. Carina Xavier, Mr. Raj Ambekar, Ms. Richa Dubey & Mr. Utsav Tarsolia for, Advocates for the Applicant/Org. Respondent No.2.
Mr. Amit G. Dubey, Advocate i/b. Mr. Ashok M. Saraogi for Respondent in IA.

CORAM : M.M. SATHAYE, J.

DATE : 10th JULY, 2025

P.C. :

1. This application is filed by the Original Respondent No.2 in the Appeal who was Defendant No.2 in the subject matter suit.
2. On 08.07.2025, an urgent circulation was sought and production was granted at 3 p.m. At 3 p.m. learned counsel appearing for the Original Appellant (daughter of the Original Plaintiff in suit), sought adjournment and an impression was given to the Court that the dispute between the parties as exists, will not be further precipitated. That day itself, an apprehension was expressed by the learned counsel for the Applicant that demolition was

impending and therefore if the first floor structure which is in occupation of the Applicant is demolished, her rights vis-a-vis family members who are warring with each other under matrimonial dispute, may be rendered infructuous.

3. Today, the matter is again mentioned urgently with an additional affidavit on behalf of the Applicant contending inter alia that on 08.07.2025, demolition of the adjoining structures was carried out and the first floor room which is in occupation of the Applicant and the concerned ground floor structure beneath it, has been left without any support, as the surrounding structures have been demolished and in the process, part of the balcony in front of first floor room, is also damaged.

4. Learned counsel for the Original Appellant seeks accommodation and contends that the demolition is not at the behest of his client.

5. I have perused photographs and copy of NCR dated 08.07.2025 produced along with the additional affidavit. The situation of the first floor premises, stated to be occupied by the Applicant, appears precarious, to say the least. It is almost a mishap waiting to happen.

6. It is informed jointly by the learned counsel for the parties that the developer is already appointed under SRA scheme.

7. In the aforesaid facts and circumstances, only for the purpose of present application, the Applicant is directed to implead the

concerned SRA-appointed builder and give private notice of the next date of the hearing. Amendment to be carried out forthwith.

8. The developer so added as Respondent, is directed to take immediate steps to support the first floor premises stated to be in possession of the Applicant and report compliance on the next date.

9. It is clarified that this order is passed without prejudice rights and contentions of the parties, so far as the internal dispute in the family is concerned. It is further clarified that the developer is being added only for the purpose of this interim application, considering the precarious condition of the structure in which Applicant is stated to be residing and purely for the value of human life involved.

10. Original Appellant is at liberty to file reply with service upon the other side.

11. Stand over to 16.07.2025 to be listed under “urgent orders category”

(M.M. SATHAYE, J.)