JYOTI RAJESH MANE
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 750 OF 2026
with
INTERIM ORDER NO.5826 OF 2026
IN
APPEAL FROM ORDER NO. 750 OF 2026

Pandharinath Vitthalrao Dangare ...Appellant
Versus
The Maharashtra Housing And Area Development Authority (mhada) Thr. Its Chief Officer ...Respondents

Mr. Jayesh Tayde i/b. Mr. Jagdish Jayale, for Appellant.

Mr. Satyajeet P. Dighe, for Respondent-MHADA.

CORAM: AARTI SATHE, J.

DATE: 12 OCTOBER 2026

P.C.

1. The present Appeal from Order has been preferred under Order XLI Rule 1 of the Code of Civil Procedure, 1908 ("CPC"), challenging the order passed by the learned Judge of the City Civil Court, Borivali Sub-Division, Dindoshi, Mumbai (hereinafter referred to as the "Trial Court") in Notice of Motion No. 2213 of 2026 in Long Cause Suit No. 1355 of 2026, whereby the Trial Court rejected the Appellant's prayer for ad-interim injunction. Learned Counsel appearing on behalf of the Appellant submits that the Notice of Motion is still pending before the Trial Court and is listed for hearing on 5th December 2026.

2. Considering that the present Appeal from Order challenges the rejection of the prayer for ad-interim injunction, this Court is of the view that the

Notice of Motion pending adjudication before the Trial Court ought to be decided expeditiously, preferably on the next date of hearing, i.e., 5th December 2026. Accordingly, the Trial Court is directed to decide Notice of Motion No. 2213 of 2026 on 5th December 2026.

3. It is clarified that this Court has not expressed any opinion on the merits of the present Appeal from Order or formed any prima facie view on the issues involved therein. The Trial Court shall decide the Notice of Motion independently, on its own merits and in accordance with law.

4. It is further clarified that neither party shall seek an adjournment on the date fixed for hearing of the Notice of Motion.

5. All contentions of the parties are expressly kept open.

6. Respondent–MHADA is granted liberty to file its reply, if any, before the Trial Court prior to the hearing of the aforesaid Notice of Motion.

7. The Appeal from Order stands disposed of in the aforesaid terms. There shall be no order as to costs.

8. All pending Interim Applications, if any, also stand disposed of.

9. The ad-interim relief granted by this Court on 30th July 2026 shall continue to operate until **5th December 2026**.

(AARTI SATHE, J.)