IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.943 OF 2026
WITH
INTERIM APPLICATION NO.7408 OF 2026

Mrs.Rashmi Ashok Haria and another — Appellants
versus
The Municipal Corpn of Greater Mumbai and others — Respondents

Mr.Pradeep Thorat with Mr.D.Jain, Ms.Saloni Doshi i/by Mr.Bipin Joshi for Appellants.

Mr.Mayur Khandeparkar with Mr.Som Sinha, Ms.Divya Vishwanath, Mr.Aditya Rokade i/by Som Sinha & Associates for Respondent no.3.

Ms.Jennifer Michael i/by Mr.Jeet Gandhi for Respondent no.4.

Ms.Smita V.Tondwalkar i/by Ms.Komal Punjabi for MCGM.

CORAM : AARTI SATHE, J.

DATE : 13th October 2026

P.C.

1. This Appeal from Order has been filed taking exception to the order dated 16th September 2026 passed by the City Civil Court, Mumbai (`Trial Court') in Notice of Motion No.4858 of 2026 in L.C.Suit No.2077 of 2026.

2. This Court by its earlier order dated 21st September 2026 had directed the Municipal Corporation of Greater Mumbai (`MCGM') to grant a personal hearing to the Appellants within a period of ten days from the date of said order in respect of impugned notice dated 5th August 2026 issued under Section 351(1A) of Mumbai Municipal Corporation Act, 1888 (`MMC Act'). This Court had also directed that a speaking order should be passed in respect thereof.

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3. Mr.Thorat appearing for the Appellants has submitted before this Court that an order dated 6th October 2026 has been passed by the MCGM in pursuance of the directions of this Court dated 21st September 2026. He has further submitted that considering the order which has been passed, he seeks to impugn the said order and amend the plaint which has been filed before the Trial Court bringing on record the aforesaid order. He has submitted that the Appellants are in process of filing a Chamber Summons in respect thereof.

4. Learned counsel for the MCGM and the owner of the property have submitted that the order dated 6th October 2026 passed by the MCGM suffers from no infirmity and therefore requires to be upheld.

5. Be that as it may, considering the submissions made by learned counsel for the Appellants, this Court is of the view that nothing survives in the present Appeal from Order and liberty is granted to the Appellants to pursue the proceeding before the Trial Court. It is further directed that the Trial Court shall dispose of the Chamber Summons and the Notice of Motion to be filed seeking injunction, within a period of four weeks from today. Liberty is granted to the Appellants to mention the Chamber Summons before the Trial Court for an expeditious disposal.

6. Needless to clarify that this Court has neither delved into the merits of the matter nor expressed any prima facie view in regard to the dispute in the Appeal from Order, and the Trial Court shall dispose of the Chamber Summons and the Notice of Motion in accordance with law. All contentions of the parties are

expressly kept open. Both the Chamber Summons and Notice of Motion to be disposed of within four weeks from the date of uploading this order.

7. Status-quo as of today to be maintained till disposal of the Chamber Summons and the Notice of Motion which would be filed by the Appellants seeking injunction.

8. Appeal from Order is disposed of in the aforesaid terms. No costs. Interim Application does not survive and stands disposed of as such.

(AARTI SATHE, J.)