IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 966 OF 2026
WITH
INTERIM APPLICATION NO. 7718 OF 2026

Mr. Dilnawaz Rashid Ali Ansari
and Ors. Appellants

versus
Municipal Corporation For
Greater Mumbai Respondent

Mr. Amogh Singh, Advocate i/by V. T. Dubey and Associates, for Appellants.

Ms. Smita V. Tondwalkar i/by Ms. Komal Punjabi, Advocates for Respondent/BMC.

CORAM: AARTI SATHE, J.

DATE: 6th October 2026

P.C.

1. This Appeal from Order has been filed under order XLIII rule 1 (r) of the Code of Civil Procedure, 1908 (CPC) read with Section 104 of the CPC challenging the refusal of ad-interim relief by the Trial Court by order dated 16th September 2026, thereby rejecting the ad-interim relief to the Appellant in respect of the notice issued under Section 354 (A) of the Mumbai Municipal Corporation Act, 1888 (MMC Act) in respect of the suit premises.

2. Learned counsel on behalf of the Appellant submits that the aforesaid Appeal from Order is against the rejection of the ad-interim relief and the Notice of Motion has been kept for hearing on 2nd December 2026. He also submits that

the demolition has been carried out prior to the passing of the speaking order dated 19th January 2026.

3. Per contra, learned counsel on behalf of MCGM has brought to the attention of this Court that demolition of the suit structure has already commenced and she has also brought to the attention of this Court the photographs which have been annexed at Page Nos. 127 and 128 of the present Appeal from Order.

4. Considering that the aforesaid Appeal from Order is against the rejection of the ad-interim relief, this Court is of the view that the Notice of Motion which has been fixed for hearing on 2nd December 2026, be disposed of expeditiously by the Trial Court on the said date. No adjournments are to be sought by the parties at the time of hearing of the aforesaid Notice of Motion.

5. Needless to clarify that this Court has not dwelled into the merits of the matter and has not formed any prima facie view in respect of the merits of the aforesaid matter.

6. All contentions of the parties to be canvased before the Trial Court are expressly kept open.

7. Status quo as of today, to be maintained by both the parties till the hearing of the Notice of Motion on 2nd December 2026.

8. Appeal from Order is disposed of in the aforesaid terms. Interim applications if any, also stands disposed of. No costs.

(AARTI SATHE, J.)