

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 27 OF 2025

Sakharabai Dinshaw Irani & Ors. .. Appellants
Versus
Maharashtra Housing and Area Development
Authority, Pune & Ors. .. Respondents

WITH
APPEAL FROM ORDER (ST) NO. 19458 OF 2025
WITH
INTERIM APPLICATION (ST) NO. 19459 OF 2025

Sakharabai Dinshaw Irani & Ors. .. Appellants
Versus
Maharashtra Housing and Area Development
Authority, Pune & Ors. .. Respondents

WITH
APPEAL FROM ORDER (ST) NO. 36993 OF 2025
WITH
INTERIM APPLICATION NO. 674 OF 2026

Reliasive Realtors Pvt Ltd .. Appellant
Versus
Maharashtra Housing and Area Development
Authority, Pune & Ors. .. Respondents

WITH
APPEAL FROM ORDER (ST) NO. 36788 OF 2024
WITH
INTERIM APPLICATION (ST) NO. 24773 OF 2025
WITH
INTERIM APPLICATION NO. 7252 OF 2025
WITH
INTERIM APPLICATION (ST) NO. 1355 OF 2025

Maharashtra Housing and Area Development
Authority, Pune .. Appellant
Versus
Sakharabai Dinshaw Irani & Ors. .. Respondents

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- Mr. Girish Godbole, Senior Advocate i/by Mr. Mandaar Goswami & Mr. Siddhant Choudhari, Advocates for Appellants in AO 27/2025 & IA(ST) 19459/2025
 - Mr. Girish Godbole, Senior Advocate i/by Mr. Aditya A. Joshi a/w Ms. Pooja Thakkar, Advocates for Appellants in AO(ST) 36993/2025
 - Mr. Avinash B. Avhad a/w Mr. Abhijeet N. Gosavi, Advocates for MHADA in AO 27/2025, AO(ST) 36788/2024, AO(ST) 19458/2025 & AO(ST) 36993/2025

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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 17, 2026

P.C.:

1. Heard learned Advocates appearing for the parties.
2. Appeal from Order No. 27 of 2025 is filed by Original Defendant Nos. 1 to 4 and 8 arising out of the common order dated 11.07.2024 passed below Exhibits 5, 64 and 95 in S.C.S. No. 2085/2022 pending before the learned Joint Civil Judge, Senior Division, Pune. The said Suit has been instituted by the Plaintiff, MHADA, *inter alia*, challenging Sale Deed executed in favour of the Original Defendant No.8 and claiming ownership and possession of the suit property on the basis of requisition proceedings allegedly undertaken in the year 1961.
3. The contesting Defendants namely Defendant Nos. 1 to 4 and 8 contend that the suit property was derequisitioned in the year 1962 and that Defendant Nos. 1 to 4 have been in possession thereof since

prior to 1990. It is further contended that Defendant Nos. 1 to 3 have been declared as owners pursuant to the Decree passed in S.C.S. No. 1498/2021 and thereafter transferred the suit property to Defendant No. 8. It is brought on record that Intervention Applications filed by certain third parties in S.C.S. No. 1498/2021 were rejected and a First Appeal bearing No. 753/2022 arising therefrom is pending before this Court wherein an order of *status quo* dated 09.01.2025 has been passed. It however needs to be noted that MHADA is not a party to the said proceedings.

4. It further appears that MHADA has preferred Civil M.A. No. 1047/2022 before the District Court, Pune, seeking condonation of delay in filing a First Appeal against the decree in S.C.S. No. 1498/2021.

5. The principal controversy between the parties pertains to ownership and possession of the suit property. Both sides have raised diverse and rival contentions. The issues involved are mixed questions of fact and law which necessarily require adjudication upon full-fledged trial and appreciation of evidence in S.C.S. No. 2085/2022.

6. Four Appeals from Order have been tagged together. Out of these, three Appeals from Order namely AO No. 27/2025 (filed by Defendant Nos. 1 to 4 and 8), AO (ST) No. 36788/2024 (filed by

MHADA), and AO (ST) No. 36993/2025 (filed by Defendant No. 9) arise from the common order dated 11.07.2024 passed below Exhibits 5, 64 and 95. The fourth Appeal from Order (ST) No. 19458/2025 is filed by Defendant Nos. 1 to 4 and 8 challenging the order passed below Exhibit 111.

7. Accordingly, it is directed that pending disposal of S.C.S. No. 2085/2022, all parties shall maintain *status quo* with regard to the physical condition and possession of the suit property. The Plaintiff, MHADA, as well as Defendant Nos. 1 to 4, 8 and 9 are further restrained from alienating or creating any third-party rights in respect of the suit property until disposal of the suit.

8. The learned Judge of the Trial Court is directed to expedite the hearing of S.C.S. No. 2085/2022 and to conclude the trial and decide the suit on its own merits, in accordance with law, within a period of eight months from the date of this order. All parties shall extend full cooperation to ensure expeditious disposal.

9. Subject to the above modifications and directions, all the captioned Appeal from Orders and Interim Applications filed therein stands disposed of. Needless to say, that the Trial Court shall try and decide the Suit without being influenced by the impugned Order and the observations made in this Order.

[MILIND N. JADHAV, J.]