

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 409 OF 2024
WITH
INTERIM APPLICATION NO. 9207 OF 2024

Smt. Swapnali Kamlesh Sewale .. Appellants

V/s.

Maharashtra Housing & Area Development Authority .. Respondents

Mr. P. J. Thorat a/w. Mr. Janardan Yadav for Appellant.

Mr. Satyajeet P. Dighe for Respondent – MHADA.

CORAM : FARHAN P. DUBASH, J.

DATE : 16th APRIL 2026

P. C.:

1. The present Appeal impugns an ad-interim order dated 28th February 2024 passed by the Trial Court in Notice of Motion that was preferred by the Appellant, who sought urgent ad-interim reliefs against the Respondent – MHADA, restraining them from dispossessing her from the Suit premises. After filing of the present Appeal, by an order dated 18th December 2024, this Court had granted the said protection to the Appellant. This protection is operating till date. Parties state that the said Notice of Motion is still pending before the Trial Court and has not been disposed of. In fact, it appears that the Respondent – MHADA has not yet filed their reply thereto.

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2. Considering the above, and since the Appellant has been protected by this Court since as far back as 18th December 2024, by consent of parties the following order is passed :

:: ORDER ::

(i) The impugned order dated 28th February 2024 is set aside.

(ii) The Defendant – MHADA shall file and serve its reply to the said Notice of Motion as expeditiously as possible and in any event, no later than 30th April 2026.

(iii) The Plaintiff is permitted to put in their Rejoinder thereto, on or before 14th May 2026.

(iv) The Trial Court shall hear and dispose of the said Notice of Motion as expeditiously as possible and in any event no later than 30th June 2026.

(v) Till then, the interim protection that was granted by this Court vide order dated 18th December 2024 shall continue to operate.

3. Needless to say that, the Trial Court shall not be influenced by this order and all rights and contentions of both the parties are specifically kept open.

4. The present Appeal From Order is disposed of with no order as

to costs.

5. All pending Interim Applications taken out in the present Appeal from Order if any, also stand disposed of in terms of this order, and all interim orders passed therein if any, shall stand vacated.

(FARHAN P. DUBASH, J.)

Ajay Jadhav