

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 43 OF 2026

Kunti Deep Co-op. Housing Society Ltd

Appellant

.. (Org. Defendant No. 2)

Versus

1. Pannaben P. Monani

Respondent No. 1

.. (Org. Plaintiff)

2. Mumbai Municipal Corporation of Greater
Mumbai

Respondent No. 2

.. (Org. Defendant No. 1)

.....

- Mr. Rohan Savant a/w Ms. Isha Jain & Mr. Soham Bhagavat i/by M/s. Kiran Jain & Co., Advocates for Appellant
- Mr. Sachin Vajale i/by Ms. Komal Punjabi, Advocate for Respondent No. 2 - Corporation

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CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 12, 2026

P. C.:

1. Heard Mr. Savant, learned Advocate for Appellant - Org. Defendant No. 2 and Mr. Vajale, learned Advocate for Respondent No. 2 - Org. Defendant No. 1.

2. Considering that the suit structure has already been demolished as recorded in the previous order passed by the learned Trial Court and the fact that Court has kept the substantive right of the occupant of the notice structure open, the impugned order is *prima facie* infructuous. In that view of the matter, the *status quo* which is operating hurts the prospectus of Appellant Society and further redevelopment and hence it deserves to be stayed. Hence, it is stayed.

3. In view of the above, issue notice to the Respondents made returnable on 12.02.2026. Humdast permitted. In addition to Court's notice, Appellant is directed to serve copy of the AO along with copy of this order on the Respondents and inform them about the next date of hearing by any permissible mode of service and file appropriate affidavit of service with tangible proof thereof on or before the next date.
4. After receiving the notice, Respondents to file affidavit-in-reply on or before the next date, if so desired with an advance copy to the Advocate for Appellant.
5. Stand over to **12th February, 2026** under the caption **“for passing Orders”**.

Amberkar

[MILIND N. JADHAV, J.]

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by RAVINDRA
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