



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO.22 OF 2026**

Hasmukh Ratansinh Thakkar	...	Applicant
versus		
Vishal Kantilal Jain, through CA Kantilal		
Amitchand Jain	...	Respondent

WITH

CIVIL REVISION APPLICATION NO.52 OF 2026

Hasmukh Ratansinh Thakkar	...	Applicant
versus		
Nirmal Ajayraj Sottany and Anr.	...	Respondents

WITH

CIVIL REVISION APPLICATION NO.53 OF 2026

Hasmukh Ratansinh Thakkar	...	Applicant
versus		
Abdul Rehman Sirajul Haq Ansari and Anr.	...	Respondents

WITH

CIVIL REVISION APPLICATION NO.54 OF 2026

Hasmukh Ratansinh Thakkar	...	Applicant
versus		
Mohd. Raashid Abdul Jabbar Khan	...	Respondent

WITH

CIVIL REVISION APPLICATION NO.56 OF 2026

Hasmukh Ratansinh Thakkar	...	Applicant
versus		
Harsha Bharat Shah and Anr.	...	Respondents

Mr. Sugandh Deshmukh with Mr. Vaibhav Thorave, Mr. Aryan Deshmukh, Mr. Irvin D'Souza, Mr. Bhushan Deshmukh, Mr. Aniket Kanawde, Ms. Karishma Shinde, for Applicant.

CORAM: N.J.JAMADAR, J.

DATE : 10 FEBRUARY 2026

ORAL ORDER :

1. Heard the learned Counsel for the Applicant.
2. The challenge in these Applications is to identical orders passed by the learned Civil Judge, whereby the applications preferred by the Applicant – Defendant No.6 under Order VII Rule 11 of the Code of Civil Procedure, 1908 on the ground that the suits are barred by the provisions contained in Section 433A of the Maharashtra Municipal Corporations Act, 1949, came to be rejected.
3. Learned Civil Judge, after appraisal of the averments in the plaint, has recorded that the Plaintiffs have approached the Court with a case that, without issuing any notice as warranted by the provisions of the MMC Act, 1949, on 8 July 2016 the employees of the Defendant – Corporation threatened to demolish the suit premises. The averments in the plaint did not indicate that the Plaintiffs were assailing the legality and validity of any notice issued or order passed or direction issued by the designated officer under Sections 260, 261, 264, 267 or 487 of the Act, 1949.
4. Learned Counsel for the Applicant submitted that, the Defendant No.1 Corporation had, in fact, issued notices in the month of June 2015. However, the Plaintiffs declined to accept service of the said notice and, therefore, a panchanama was drawn on 4 July 2015. Attention of the court was invited to the contents of the notice and the panchanama. It was submitted that the

object of the provisions contained in Section 433A and Order VII Rule 11(d) of the Code, would be defeated if the Plaintiffs by resorting to clever drafting suppresses the factum of issue of notice, and, instead, approaches the Court with a bald case that the Municipal Corporation had threatened to demolish the premises without issuing any notice.

5. The Court finds that the suits were instituted in the year 2015. Defendant No.1 Corporation as well as Applicant – Defendant No.6 have raised ground of bar to the suit contained in Section 433A of the Act, 1949. From the perusal of the averments in the plaint and the documents annexed with it, the view that the Plaintiffs were not assailing any notice or order may be plausible. The Court would, thus, be required to delve into other material to ascertain whether the notice was, in fact, issued which may partake the character of defence of the Defendants.

6. In these circumstances, since a bar of jurisdiction has been specifically pleaded, this Court is of the considered view that the issue of jurisdiction, in view of the bar contained in Section 433A of the Act, 1949, be framed and decided as a preliminary issue in a time frame.

7. The Revision Applications, thus, stand disposed with a request to the Trial Court to frame an issue of jurisdiction in view of the bar contained in Section 433A of the Act, 1949 and try the same as a preliminary issue under the provisions of Order 14 Rule 2 of the Code.

8. The Court is informed that the suits are scheduled to be listed before the Trial Court on 7 March 2026.
9. Learned Civil Judge is requested to frame issue of jurisdiction, on 7 March 2026, and hear and decide the same as a preliminary issue, as expeditiously as possible and preferably within a period of six months from 7 March 2026.
10. Civil Revision Applications stand disposed.

(N.J.JAMADAR, J.)