

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 180 OF 2026
WITH
INTERIM APPLICATION NO. 950 OF 2026
IN
APPEAL FROM ORDER NO. 180 OF 2026

Rampal Shivmurat Yadav

Appellant (Orig.
.. Plaintiff)

Versus

Sunil Vishwas Pathare and Ors.

Respondents
.. (Orig. Defendants)

.....

- Dr. Pawan K. Pandey, Advocate i/by Ashish Bhandari and Suman Gupta for Appellant.
- Mr. Amogh Singh a/w. Mr. Rahul Arora and Mr. Mohit Sumadiya, Advocates i/by Jeet Gandhi for Respondent No.4.

.....

CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 26, 2026.

P.C.:

1. Heard Dr. Pandey, learned Advocate for Appellant and Mr. Singh, learned Advocate for Respondent No.4.

2. The impugned order has rejected interim relief to Plaintiff who has premised his case on the basis of adverse possession before the Trial Court. Paragraph No.5 read with paragraph No.10 of the impugned order, *prima facie* show that SRA is already developing the Suit plot. Suit plot is nomenclatured as Survey No.1808 of village Dahisar Taluka Borivali, Mumbai.

3. According to Dr. Pandey, learned Advocate for Plaintiff, there is no scheme contemplated on the plot belonging to the Plaintiff. According to his instructions, he would however candidly inform the Court that CTS No.1808 is sub-divided into several parts and would contend that on the plot / sub-plot belonging to the Plaintiff, there is no scheme whatsoever which is contemplated. He would also seek to refer to and rely upon certain letters which have been received by Plaintiff under the RTI in this regard. One such letter is dated 27.05.2025 issued by the SRA, *inter alia*, stating that in respect of plot No.1808, no Application for redevelopment has been received by the Competent Authority. I have perused the said letter. *Prima facie* the said letter is as inadequate as it can be since it does not give any further details. That apart, the said letter clearly stands in the teeth of the letter dated 26.03.2025 which is referred to and relied upon by the learned Trial Court in paragraph No.16 of the impugned order which was produced by the Plaintiff while considering the Plaintiff's case.

4. In any event the primary case of Plaintiff is based on adverse possession. It is the case of Plaintiff that Plaintiff was the imla-malik of the suit structures which were standing on the land belonging to Plaintiff and Plaintiff is therefore entitled to seek declaratory relief in respect thereof. Contrary to this, Mr. Singh who appears for the Developer of Plot No. 1808 would submit that according to the record, SRA scheme has already been implemented and the Developer is

paying the transit rent to the occupants of the Suit structures which have already been demolished long back in accordance with law.

5. Be that as it may, Plaintiff will have to succeed on the strength of Plaintiff's principal case. The letter dated 26.06.2023 has also been shown to me. The subject of the said letters refer to a proposed scheme of more than 50 sub-divided plots in several CTS numbers. It is the case of Plaintiff that the proposed SRA scheme which was contemplated in the year 2023 did not include CTS No.1808. If that be the case, it shall be open to the Plaintiff to take out appropriate proceedings in the pending Suit which he has filed for declaratory relief on the basis of adverse possession and apply to the learned Trial Court.

6. In so far as the impugned order is concerned, I do not find any reason whatsoever to interfere with the same as the same has been passed after considering *prima facie* material for injunction.

7. All contentions of Appellant are expressly kept open in the Suit before the Trial Court without this Court expressing any opinion on merits of the Appellant's case regarding adverse possession. All contentions of law and facts are also expressly kept open before the Trial Court.

8. With the above directions, Appeal From Order is disposed.

9. In view of disposal of Appeal From Order, pending Interim Application is accordingly disposed.

[MILIND N. JADHAV, J.]

Ajay

AJAY
TRAMBAK
UGALMUGALE
Digitally signed
by AJAY
TRAMBAK
UGALMUGALE
Date:
2026.02.26
19:33:21
+0530