

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.190 OF 2026
WITH
INTERIM APPLICATION NO.975 OF 2026

Naresh O. Jain

.. Appellant

Versus

Manoj Dattaram Akre and Ors.

.. Respondents

-
- Mr. Simil Purohit, Senior Advocate a/w. Mr. Kevin Pereira, Advocates i/by Mr. Viraj Jadhav for Appellant.
-

CORAM : MILIND N. JADHAV, J.

DATE : MARCH 13, 2026

P.C.:

- 1.** Not on Board. Mentioned by way of filing praecipe dated 13.03.2026. Perused the praecipe.
- 2.** Heard Mr. Purohit, learned Senior Advocate for Appellant.
- 3.** Facts in the present case are extremely gross. Developer is before Court. This Court has incidentally dealt with matters in respect to same property in cases related to other occupants.
- 4.** Be that as it may, facts are such that private Respondent have already procured 2 PAPs with respect to their structure which has been demolished subsequently. However despite the same, they have pitched a new structure and are now trying to claim additional benefit in lieu thereof.
- 5.** The son of original occupant has moved the City Civil Court

by filing suit proceedings. Developer was not made a party therein. After three rounds of ad-interim reliefs having not been granted by virtue of the impugned order, interim relief was granted. When Corporation realised about the same it moved the Court seeking impleadment and to vacate interim relief.

6. After hearing Corporation and Developer, learned Trial Court has continued with interim relief. It is *prima facie* seen in the present case that Commencement Certificate and Intimation of Disapproval have been issued last year and development is stalled in the manner in which occupants are obstructing.

7. Be that as it may, an arguable case is made out for issuance of notice by Mr. Purohit. Hence, issue notice to Respondents.

8. Humdast permitted. In addition to Court's notice, Appellant is directed to serve the Respondents a copy of this order, Appeal from Order and Interim Application and inform about the next date of hearing by any permissible mode of service and file appropriate affidavit of service with tangible proof thereof.

9. Private Respondents shall remain present either through themselves and apprise the Court accordingly about their substantive rights. Corporation to also apprise the Court accordingly.

10. Affidavit-in-Reply, if any so required, to be filed on or before

next adjourned date.

11. Stand over to 26th March 2026.

12. Praecipe is disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

HARSHADA
HANUMANT
SAWANT

Digitally signed
by HARSHADA
HANUMANT
SAWANT
Date:
2026.03.13
14:56:59 +0530