

Priya Soparkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO.2039 OF 2026

IN

WRIT PETITION NO. 3667 OF 2018

Bomsi Wadia ... Applicant

Versus

The Municipal Corporation of Greater Mumbai ... Respondents
and ors.

Ms. Janhvee Joshi with Mr. Mohammed Riyaz i/by Mr. Vijay Ranu
Payal, for the Applicant.

Ms. Vaishali Ugale, for the Respondent No.1/MCGM.

Mr. Mayur Vinod Faria with Mr. Sahil Choudhari, for the
Respondent No.6.

**CORAM: SUMAN SHYAM &
SHYAM C. CHANDAK, JJ.**

DATED: 20th APRIL, 2026.

PC:-

1. Heard Ms. Janhvee Joshi, learned counsel appearing for the Applicant, Ms. Vaishali Ugale, learned counsel appearing for the Respondent No.1/MCGM and Mr. Mayur Vinod Faria, learned counsel appearing for the Respondent No.6.

2. The core controversy involved in this proceeding is pertaining to the issue of operationalising the lift in the building which is apparently not working at present, as a result of which, the Applicant/Writ Petitioner, who is a Cancer survivor, and

residing on the 3rd and 5th floor of the concerned building, is facing difficulties in his day to day life.

3. Taking note of the grievance expressed by the Writ Petitioner, this Court, after hearing the parties, had passed order dated 10th July, 2025 in Interim Application (L) No.18531 of 2025 arising out of Writ Petition No.3667 of 2018. The operative part of the order reads as follows:-

“4. At this stage, Mr. Parmar points out that the Applicant is willing, at his cost, to install a new lift and this has in fact been specifically prayed for in prayer clause ‘(c)(i)’. Mr. Khandeparkar submits that Respondent No.6 does not have any objection to the Applicant installing a new lift if the Applicant is willing to bear all the expenses for the same, however on the specific understanding that (i) the same shall be strictly without prejudice to the rights and contentions of Respondent No.6 as recorded in paragraph 24 of the Affidavit in Reply and (ii) the new lift once installed, shall be made available for the use of all the residents/occupants/visitors to the said building and shall not be for the exclusive use of the Applicant as is suggested in prayer clause (c)(i). Mr. Parmar confirms that the Applicant shall, at his own cost, install a new lift, accepting both these conditions. Mr. Khandeparkar, submits that the consent of Respondent No.6 to execute the necessary documents shall be provided on the said documents being furnished to the landlord. However, given the acrimony between the parties, in order to enable smooth facilitation of this procedure, it is directed that any permissions that may be required shall be furnished by the advocate for the Applicant to the advocate for Respondent No.6 who shall then ensure that the same are duly executed and written.”

4. By filing the present Interim Application, the Applicant/Writ Petitioner has once again approached this Court *inter-alia* contending that despite the order of this Court, the Respondent No.6 is obstructing the installation/operation of the lift in question, as a result of which, further directions are called for from this Court for implementing the order dated 10th July, 2025.

5. Mr. Mayur Vinod Faria, learned counsel appearing for the Respondent No.6, however, has strongly contested the submission of the Applicant's counsel and submits that since the quotation for the installation of the new lift is incomplete, hence it was not possible for the Respondent No.6 to render any co-operation in the matter. Moreover, according to Mr. Faria, the quotation does not include the civil work, as a result of which, the lift could not be installed.

6. Be that as it may, the fact remains that after taking note of the entire controversy, this Court had passed a reasoned order on 10th July, 2025, the operative part of which have been quoted hereinabove. In the said order it has been categorically observed that the Applicant has been permitted to install the lift at his own cost and the Respondent No.6 has also agreed to execute the necessary documents.

7. In view of the above and considering the fact that no application have been moved for the Respondent No.6 for alteration/modification of the order dated 10th July, 2025, we are of the view that the Respondent No.6 cannot take a stand which is contrary to the projection made in the order dated 10th July, 2025, so as to obstruct in any manner, the installation of the lift.

Entertaining such plea of the Respondent No.6, in our considered opinion, will amount to re visiting the order dated 10th July, 2025, in a manner, which is impermissible under the law.

8. We therefore, re-affirm the order dated 10th July, 2025 and confirm that it will be open for the Applicant to take all necessary steps for installation of the lift, at his own cost, which would, however, be subject to compliance with all technical requirement. In the process, if there is any undue obstruction by any persons or party including the Respondent No.6, in that event, it will be open for the Applicant to seek recourse under the law, including but not limited to lodging of FIR.

9. Application stands disposed of accordingly.

(SHYAM C. CHANDAK, J.)

(SUMAN SHYAM, J.)