

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION 4473 OF 2022

Aarti Ramdas Shirodkar & Ors.

...Petitioners

vs.

Subhash Mahadeo Chavan & Ors.

...Respondents

Ms.Nusrat Shah with Kevin Gala, Archana Jha, Meenal Barge i/b. Naazish N. Shah for Petitioners.

Mr.Norbert D'Souza for Respondents.

CORAM : ROHIT B. DEO, J.

DATED : 15 JULY 2022

P.C. :

1. With liberty to the Petitioners to take appropriate steps in the pending proceedings to allay their apprehension that defendants 1 and 2 may deprive them of the fruits of the development, the petition is disposed of since, in my view, in the context of the controversy the developer of the property is not either necessary or proper party. I hold so since the developer is constructing an entire complex and defendants 1 and 2 admittedly were in possession of two rooms against which some space appears to have been promised. Whatever is received by defendants 1 and 2 from the builder shall obviously be subject to the final outcome in the suit, and further subject to any interim adjudication or determination which may be made by the court, in an appropriate motion which may be moved or is pending.

2. The learned trial Judge is requested to ensure that the pending

motion or interim order/s be decided as expeditiously as possible and in any event, within the next sixty days.

(ROHIT B. DEO, J.)