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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

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Writ Petition NO. 4941 OF 2024

Jharna Marchal Rodrick

...Petitioner

Versus

Prashan Subhash Jadhav

...Respondent

Mr.M.P. Mishra i/b Mr.A.B. Rawal for the Petitioner.

CORAM : RAJESH S. PATIL, J.

DATE : 12TH APRIL, 2024.

P.C. :-

1. This Writ Petition challenges the impugned order passed by the Competent Authority and as confirmed by the Commissioner, Konkan Division, Mumbai.

2. Mr.Mishra appearing for the Petitioner submits that an *ex-parte* order was passed by the Competent Authority, without serving the Petitioner. He submits that the Petitioner has already lodged a police complaint against the Respondent for fraudulently obtaining her signature on certain documents. He

submits that PAAA agreement was executed between the Petitioner and the developer as regards the suit premises. He submits that the purported agreement of sale dated 31 January 2020 is bogus, wherein the claim has been made that the Petitioner has sold the suit premises for Rs.12.00 lakh in cash. He submits that no such money was paid to the Petitioner.

3. Issue notice to the Respondent, returnable on 10 May 2024. Apart from the Court notice, the Petitioner is permitted to serve the Respondent by advocate's private service by all permissible modes of service and file affidavit of service before the returnable date.

4. In the meantime, there will be ad-interim relief in terms of prayer clause (c) of the Writ Petition, till further orders of this Court. Prayer clause (c) reads as under :-

“(c). Pending the hearing and final disposal of present Writ Petition, this Hon'ble Court be pleased to stay the effect, operation, execution and implementation of the order dated 05/04/2023-13/04/2023 passed in Application N.31 of 2022 by the Hon'ble Competent

Authority, Konkan Division Bandra, Mumbai in
the interest of justice.”

(RAJESH S. PATIL, J.)