

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

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APPEAL FROM ORDER NO. 721 OF 2024
WITH
INTERIM APPLICATION NO. 13863 OF 2024

Jaimin Shailesh Shroff ...Appellant
Versus
Sukesh Arvind Shastri And Others ...Respondents

Mr. Manoj Upadhyay i/b. Mr. Abhishek Upadhyay, for Appellant.
Ms. Sumandevi Yadav, for Respondent Nos. 1 to 7.
Ms. Seena Rawade, for Respondent No.8 (MCGM).
Mr. Swapnil Bangar a/w. Bharat K. Gala, for Respondent No.9.

CORAM : M.M. SATHAYE, J.

DATE : 10th DECEMBER, 2024

P.C. :

1. Heard learned counsel for the parties. Office note shows that the notice issued to Respondent No.11 (added party) is awaited.
2. Learned counsel for the Respondent No. 9 submits that so far as 80% share in the subject matter land is concerned, it is already conveyed to Respondent No.9 by deed of conveyance dated 19.11.2020, however the aspect of purchase/conveyance of remaining 20% share is pending in S.C. Suit No. 340 of 2022 in City Civil Court at Dindoshi, under agreement of sale dated 31.10.2011 between Respondent No. 9 and the legal heirs of Mr. Subhash Balram Jaykar. The said details, as submitted by the learned counsel for

Respondent No. 9 are noted.

3. It is further submitted that as per para 11 of the earlier Order dated 22.11.2024, the area measurement has been received by both the sides and they will verify the same.

4. Learned counsel for the Appellant insists that Respondent No. 9 can still execute PAAA agreement to the extent of 80% ownership of the land. However, I am afraid that the scope of the present Appeal from Order cannot be extended to include the dispute between 'the Appellant and Respondent Nos.1 to 7' on one side and 'Respondent No.9 - 80% owner' on the other side, because the suit is basically filed challenging the notice dated 26.08.2024 issued by Respondent – Municipal Corporation.

5. Having reached this stage where the measurements is complete, now, the impugned order will have to be considered to the extent of rejection of ad-interim relief under the impugned Order.

6. The Appellant is at liberty to make fresh efforts to serve added Respondent No.11 on or before the next date.

7. Stand over to 18.12.2024 at 2.30 p.m.

(M.M. SATHAYE, J.)