



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.6452 OF 2024
IN
FIRST APPEAL NO. 1288 OF 2018

Vaishali Vijay Rasal	... Applicant.
<u>In the matter between:</u>	
M/s. Neumec Estate Developers LLP and Ors.	... Appellants.
<u>Versus</u>	
Ramnath Sakharam Nikam & Ors.	... Respondents.

Mr. Tushar N. Sonawane i/by Mr. Prashant Hagare for Applicant.
Mr. Amogh Singh a/w. Rahul Arora, Preeti Limbachiya, Siddhant Singh,
Aditya Dhatrak and Jeet Gandhi, Advocates for the Original-Applicants.

Coram : Sharmila U. Deshmukh, J.

Date : January 31, 2025

P. C. :

1. Interim Application has been moved urgently by the original Appellants in lieu of the ad-interim relief which was granted by order of 27th January, 2025.
2. The contention of learned counsel appearing for the original-Appellants is that during the hearing on 27th January, 2025, it was not pointed out to this Court that there were previous Interim Applications which were filed seeking recall of the order of 6th September, 2018, which are pending and that the Respondent Nos.2 to 7 had executed irrevocable Power of Attorney in favour of Respondent No.1, pursuant to which the consent terms were entered into.

3. Mr.Singh also contend that the consent terms itself records that the possession of the property is with the Appellants and therefore, the ad-interim relief of restraining the original Appellants from disturbing the possession of the Applicants could not have been granted.
4. Learned counsel appearing for the Applicant would submit that the Power of Attorney had been specifically directed not to be acted upon. He would however fairly concede that it was not pointed to this Court during the hearing that the previous Applications are filed and submit that the previous Applications have already been disposed of by order of 11th March, 2024.
5. Let the affidavit-in-reply be filed to the Interim Application by the original Appellants within a period of one week from today. Rejoinder, if any, to be filed within one week thereafter.
6. The consensus which has been arrived at between the learned counsel for the parties is that the ad-interim relief will not be acted upon till the disposal of the present Interim Application.
7. Stand over to **17th February, 2025.**

[Sharmila U. Deshmukh, J.]