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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
APPEAL FROM ORDER NO. 107 OF 2025  
WITH  
INTERIM APPLICATION NO. 1803 OF 2025**

M/s. Park Developers through ... Appellants  
its partners Mr. Sharad Ruia and  
Shiteej Ruia

Vs.

Madlyan Sanjao Souz and Others ... Respondents

Mr. P. J. Thorat a/w. Mr. J. S. Kadav i/b. Mr. B. P. Shukla for the  
Appellants.

Mr. Larson Vaiti for Respondent nos. 1 to 9,

**CORAM : GAURI GODSE, J.**

**DATE : 18<sup>th</sup> MARCH 2025**

**ORDER :**

1. Learned counsel for the appellants submits that the plaintiffs claims 7/8<sup>th</sup> share in 574.90 sq.meters area out of the larger area which is owned by defendant no.2. He submits that leave and licence agreement is executed by defendant no. 2 in favour of MSRDC in respect of the larger area which also includes 574.90 sq.meters which is subject matter of the suit. He submits that the leave and licence agreement will expire on 18<sup>th</sup> May 2025. He

therefore submits that the application was filed in the suit for permitting defendant no. 2 to extend the leave and licence agreement in favour of MSRDC.

2. Learned counsel for the appellants further submits that in the event the plaintiffs succeeds in the suit, plaintiffs would be entitled to only 7/8<sup>th</sup> share in 574.90 sq.meters as claimed in the suit. He therefore submits that to protect the plaintiffs interest defendant no. 2 is willing to deposit in the court, the amount proportionate to the plaintiff's share, from the amount to be received by him towards leave and licence agreement.

3. Learned counsel for the plaintiffs seeks time to take instructions whether the plaintiffs would be agreeable for the suggestion made on behalf of defendant no.2.

4. To enable the learned counsel for the plaintiffs to take instructions list the appeal on 2<sup>nd</sup> April 2025. To be listed under the caption for "Directions".

5. In the event parties are unable to resolve the dispute with regard to the prayers in this appeal, it is clarified that appeal will be finally disposed of on the next date

**[GAURI GODSE, J.]**