

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 546 OF 2025

Ramchandra Tulsidas Pania

Appellant
.. (Org. Plaintiff)

Versus

Padmini Devang Patel & Ors.

Respondents
.. (Org. Defendants)

.....

- Mr. Vishal Thaker a/w Ms. Anjali Trivedi i/by V. Thakers' Advocates for Appellant
- Mr. Mutahhar Khan a/w Mr. Dharmesh S. Joshi, Advocates for Respondent Nos. 1 and 2
- Mr. Siddharth Kakka, Advocates for Respondent No. 3

.....

CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 15, 2025

P. C.:

1. Heard Mr. Thaker, learned Advocate for Appellant; Mr. Khan, learned Advocate for Respondent Nos. 1 and 2 and Mr. Kakka, learned Advocate for Respondent No. 3.

2. Consent praecipe between the parties is filed at Exh. "F", page Nos. 90-91 of Appeal from Order (AO). Learned Advocates appearing for Petitioner and private Respondents would inform the Court that said consent praecipe was filed before the Trial Court which has been rejected and disregarded by the Trial Court leading to passing of the impugned order dated 16.09.2025. By consent of both the parties, impugned order is set aside.

3. Developer is before the Court. In view of the aforesaid, consent praecipe is accepted by this Court as settlement between the Appellant and private Respondents (Defendant Nos. 1(a) and 1(b)). Needless to state that the Suit before the Trial Court shall remain and proceed with in accordance with law.

4. Insofar as the subject flat is concerned, Developer represented by Mr. Kakka is directed to handover joint possession of subject flat stated in paragraph No. (b) of the Consent praecipe to Appellant Mr. Ramchandra Tulsidas Pania, Smt. Padmini Devang Patel and Smt. Neeta Nimesh Joshi / Pania.

5. Since the dispute is between the parties in the Suit under adjudication, Developer is directed to deposit corpus rent and all other payments pertaining to the said flat with the Registrar of the Trial Court. Needless to state that if the Developer remains in arrears raises any claim with respect to maintenance of the subject flat which was held by him he is free to move the same before the Society and same shall be considered after hearing the Appellant and Respondent Nos. 1 and 2 by the concerned Society.

6. Needless to state that possession will be handed over within a period of two weeks and deposit shall be made within four weeks before the Registrar. Undertaking to that effect by the Developer shall

be filed within a period of one week from today in this Court on affidavit.

7. In view of the above directions, the impugned order dated 16.09.2025 is quashed and set aside. AO stands allowed and disposed. Pending Interim Application(s), if any, is / are disposed.

Amberkar

[MILIND N. JADHAV, J.]

RAVINDRA
MOHAN
AMBERKAR
Digitally signed
by RAVINDRA
MOHAN
AMBERKAR
Date:
2025.10.16
11:47:43 +0530