

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION (STAMP) NO.8903 OF 2025  
IN  
SECOND APPEAL NO.673 OF 2010**

Shivram Bama Khandagale

***...Applicant***

**In the matter between**

Shivram Bama Khandagale

***...Appellant***

**V/s.**

M/s. Heera Construction and Ors.

***...Respondents***

**Mr. Rajesh S. Datar** *i/b. Mr. Akshay J. Kondekar for the Applicant.*

**Mr. Prathamesh Sawant** *i/b. Mr. Mandar Limaye for Respondent No.4.*

**Mr. Siddharth Ghodke** *i/b. Mr. Narayan G. Rokade for Respondent Nos.5 and 6.*

**CORAM: SANDEEP V. MARNE, J.**

**Dated: 25 April 2025.**

**P.C.:**

1) The Application is filed seeking further interim order for reservation of flat admeasuring 300 sq.ft. in the proposed new building in pursuance of Re-development Agreement dated 17

December 2025. The Appeal involves the issue of specific performance of agreement relating to old premises in the building. It appears that the building has now gone for re-development by virtue of Re-development Agreement dated 17 December 2025. By order dated 6 December 2010 this Court directed the parties to maintain status-quo, on account of which, the old premises have remained unoccupied for the last several years. Since now the building itself would be demolished, it would be necessary to make arrangement by reserving permanent alternate accommodation in the re-developed building in lieu of suit premises. For the purpose of reservation of flat in the re-developed building, it would be appropriate that the proposed Respondent Nos.5 and 6 are impleaded in the present Appeal. Amendment to be carried out within a period of three weeks.

2) Mr. Ghodke, the learned counsel would waive service on behalf of Respondent Nos.5 and 6.

3) Interim Application is accordingly allowed in terms of prayer clauses (a), c(i) and c(ii).

4) Application is accordingly disposed of.

**[SANDEEP V. MARNE, J.]**