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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 7974 OF 2025
IN
APPEAL FROM NO. 1150 OF 2022

Sonali Jha ... Applicant

IN THE MATTER BETWEEN

Queensland Co-op Housing Society Ltd., ... Appellant

vs.

Mrs. Sonali Jha and Anr. ... Respondents

Mr. Dipesh Palwankar i/b. Mahesh Menon and Co., for Appellant.

Mr. M.A. Khan a/w. Hamza Sirgurah Afnan Husaiin , Mr. Gaurav pathak, Ms. Dipti Mehta for the Applicant.

CORAM : GAURI GODSE, J.

DATED : 7th MAY 2025

ORDER:

1. This application is filed by the plaintiff seeking directions against the society. This court has already admitted the appeal and granted ad-interim stay to the injunction in favour of the present applicant i.e original plaintiff. The original plaintiff has neither filed any reply in the application for interim relief nor opposed the grant of ad interim relief. On page 263 of the appeal compilation, the undertaking given by the plaintiff is placed on record, where the

plaintiff has undertaken that no obstruction would be caused to the terrace, which is common property of the society. There is no explanation to the undertaking given by the plaintiff. The present application does not explain the reason for not complying with the undertaking given by the plaintiff. Hence, I do not see any reason for entertaining this application. Hence, the application is rejected.

2. The plaintiff i.e. respondent are at liberty to file appropriate affidavit-in-reply to the Interim Application No. 30417 of 2022.

3. The application to be listed on its due date i.e on 4th July 2025.

(GAURI GODSE, J.)