

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 10002 OF 2025

IN

FIRST APPEAL NO. 1386 OF 2025

IN

SPECIAL CIVIL SUIT NO.776 OF 2011

M/s. Cornell Housing Infrastructure Private Ltd.

Through Its Director

...Applicant

IN THE MATTER BETWEEN :

M/s. Cornell Housing Infrastructure Private Ltd.

Through Its Director

...Appellant

Versus

Kailash Popatlal Shah And Ors.

...Respondents

WITH

INTERIM APPLICATION NO. 9111 OF 2025

IN

FIRST APPEAL NO. 1174 OF 2025

IN

SPECIAL CIVIL SUIT NO.776 OF 2011

Chandrakant Kantilal Shah Since Deceased

Thr. Lrs. 1.1 Mihir Chandrakant Shah And Ors.

...Applicant

IN THE MATTER BETWEEN :

Chandrakant Kantilal Shah Since Deceased

Thr. Lrs. 1.1 Mihir Chandrakant Shah And Ors.

...Appellant

Versus

Kailas Popatlal Shah And Ors.

...Respondent

Mr. Darius Khambata, Senior Advocate aw Mr. Sharan Jagtani, Senior Advocate aw Mr. Tushar Hathiramani aw Mr. Siddharth Joshi aw Ms. Sankalpita Mullick aw Mr. S. Tandon aw Mr Kunal Vajani aw Ms. Prachi Ohawani aw Ms. Sanaya Contractor aw Mr. George P. Pesi i/b RJD and Partners for the Applicant/Appellant in IA/9111/2025.

Mr. Pravin Samdhani, Senior Advocate aw Mr. Karl Tamboly aw Ms. Akshada Shetye aw Mr. Sumit Khandare for the Applicant/Appellant in IA/10002/2025.

Mr. Surel Shah a/w Mr. Amey Deshpande i/b Gaurang NC Jhaveri for the Respondents Nos. 1, 4, 13, 14.

Mr. Rubin Vakil aw Ms. Niyati Sontakke i/b Mr. Ajit Mandlik for the Respondent Nos.22/1, 22/2 in IA No.9111/2025 and for the Respondent Nos. 27/1 27/2 27/3 29/1 29/2 30, 31/1 31/2a in FA 1386/2025.

**CORAM: G. S. KULKARNI &
ARIF S. DOCTOR, JJ.**

DATE: 16th JULY 2025

P.C.

1. We have heard the learned Senior Advocates for the parties on these Interim Applications filed in the aforesaid appeals which we have admitted by separate orders.

2. Having perused the impugned judgment and the order, we are of the opinion that pending final adjudication of the First Appeals, it is appropriate that the parties maintain status quo in so far as suit property is concerned. In so far as the directions in Paragraph 8 i.e. to transmit the preliminary decree to the Collector Thane for further procedure of partition to be undertaken under Section 54 of the Code of Civil Procedure, 1908 shall remain stayed.

3. The learned Senior Counsel for the parties have also drawn our attention to the proceedings of First Appeal No.540 of 2023, which also involves

the parties to the present proceedings. As fairly agreed at the bar, the present Appeal be also tagged to be heard along with First Appeal No.540 of 2023.

4. At this stage Mr. Khambata, learned Senior Advocate for the applicant submitted that the applicant be granted liberty to file an interim application considering the substantive interest of the appellants in the suit property which according to him would not in any manner prejudice the rights of the respondent. We grant such liberty to file an application to that effect.

5. All contentions of the parties in that regard are expressly kept open.

6. Interim Applications are disposed of.

(ARIF S. DOCTOR, J.)

(G. S. KULKARNI, J.)