

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
INTERIM APPLICATION NO. 4151 OF 2025
IN
COMMERCIAL SUIT NO. 82 OF 2025
ALONGWITH
INTERIM APPLICATION NO. 2510 OF 2023
IN
COMMERCIAL SUIT NO. 73 OF 2025

M.J. Shah Capital Private Ltd.

.....Applicant/
Orig. Plaintiff

: *Versus* :

Pyramid Developers & Ors.

....Respondents

Mr. Ashok Saraogi with Mr. Prajot H. Jaggi, Ms. Daksha A. Parmar and Ms. Pallavi Kulkarni, for the Plaintiff-Applicant.

CORAM : SANDEEP V. MARNE, J.

DATED : 17 SEPTEMBER 2025.

P.C :

1) Heard Mr. Saraogi, learned counsel appearing for the Plaintiff in both the suits. None appears on behalf of the Defendants despite being served with private notice. Mr. Saraogi, has tendered Affidavit of service which is taken on record. Mr. Sarogi would pray for limited ad-interim injunction to restrain the Defendants from creating third party rights in respect of the mortgaged flats.

2) Plaintiff's case in brief is that it has disbursed loans to the Defendants against which registered mortgages are created in its favour in respect of Flat Nos.1601 and 604 in the building named 'LE 88' (*later named as '81 Aureate'*) situated near MTNL, Reclamation, Bandra (West), Mumbai-400 050. On account of non-repayment of the loan amount, Plaintiffs have filed the present suits for recovery of monies. Since Plaintiffs claim that Flat Nos.1601 and 604 have been mortgaged as securities for repayment of the loans, ad-interim relief is sought for not creating any third party rights or to part with possession during pendency of the Interim Application.

3) It appears that Defendants had earlier appeared in the Suit, which was dismissed for non-removal of office objections. However, the Suits have subsequently been restored. Though the name of the Advocate is reflected in the cause-list, none has appeared for the Defendants even on second call. Defendants have also not filed Affidavit-in-reply opposing the Interim Applications. In that view of the matter, limited ad-interim relief deserves to be granted in favour of the Plaintiff.

4) Till the next date of hearing, Defendants shall not create any third party rights and/or part with possession of Flat Nos.1601 and 604 situated in 81 Aureate near MTNL, Reclamation, Bandra (West), Mumbai-400 050, if not already created/done.

5) Plaintiffs to serve copy of the order on the Defendants forthwith. Defendants would be at liberty to move this Court for vacation of this order within 48 hours advance notice to the advocate for the Plaintiffs.

6) Defendants to file Affidavit-in-Reply in both the Applications. List the Interim Applications on **1 October 2025**.

[SANDEEP V. MARNE, J.]