

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO. 371 OF 2025
IN
SUIT NO. 267 OF 2022

Digitally signed
by SMITA
RAJNIKANT
JOSHI
Date:
2025.11.26
17:50:53
+0530

Vishal Sunil Goenka .. Applicant

In the matter of Between

Vishal Sunil Goenka .. Plaintiff.

v/s.

Lokesh S. Goenka & Ors. .. Defendant.

Mr. Yatin R. Shah, Advocate for Plaintiff

Ms. Komal Gogad, i/by Mr. Puneet Gogad Advocate for Defendant Nos. 1 to 6

Mr. Jitendra Bakliwal, a/w. Mr. Kaushal Ameta, i/by. M/s. Legal Prism, Advocate for Defendant No.7

CORAM: FIRDOSH P POONIWALLA,J.
DATE : 24th NOVEMBER, 2025.

P. C:-

1 Not on board. Taken on board.

2 The present Interim Application is filed for the following relief:-

“ (a) That this Hon’ble Court be pleased to allow physical partition of the suit premises Viz. Office no. 201, 202, 203 and 208 and the office premises of Defendant no. 1 to 6 viz. 204, 205, 206 and 207 in the manner demarcated separately and partition physically in the new Plan Exhibit “D” herein.”

3 The present Suit was filed for partition of premises. The Applicant filed Interim Application (L) No. 4783 of 2023 for a decree on admission, and this Court, by an Order dated 16th March, 2023, allowed the said Interim Application and the Suit was accordingly decreed.

4 Thereafter, demarcation of the suit premises was done, and on the basis of the map which was annexed to the Interim Application, partition of the Suit premises was done in such a manner that the area of the premises belonging to the Plaintiff and the area of the premises belonging to the Defendant Nos. 1 to 6 came equally to 89.16 sq. meters/ 960 sq. meters including toilet and the common passage was admeasuring 6.30 sq. meters/68.76 sq. feet.

5 In these circumstances, physical partition of the Suit premises, namely, Office Nos. 201, 202, 203 and 208 belonging to the Plaintiff, and Office Nos. 204, 205, 206 and 207 belonging to the Defendant Nos. 1 to 6 is sought as per the plan annexed as Exh. D to this Interim Application.

6 In the aforesaid circumstances, I see no impediment in allowing the present Interim Application. However, the rights of Defendant Nos. 7 and 8, who have same charge on the Offices of Defendant Nos. 1 to 6, also need to be protected.

7 Accordingly, following order is passed:-

(i) Interim Application is allowed in terms of prayer clause (a);

- (ii) This will be without prejudice to the rights and contentions of Defendant Nos. 7 and 8 and will not affect the rights and interest of Defendant Nos 7 and 8 in any manner whatsoever;
- (iii) There will be no order as to costs.

(FIRDOSH P. POONIWALLA,J.)