

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO. 1781 OF 2025
IN
SUIT NO.262 OF 2021

Hemal Amish Modi ...Applicant

In The Matter Between

Italia Landscapes LLP ...Plaintiff

Versus

M/s. V. Shantilal and Company Pvt. Ltd.& Ors ...Defendants

WITH
INTERIM APPLICATION NO. 1054 OF 2024
IN
SUIT NO.262 OF 2021

Mr. Ram V. Singh, a/w V.K. Sharma, for the Applicant in IA/1054/24.

Mr. Chirag Mody, Counsel, a/w Abhishek Bhosale, Nandkishor Supal, i/b Divya Shah Associates, for Plaintiff.

Mr. Malcom Siganporia, a/w Swati Sawant, i/b S.K. Legal Associates LLP for Defendant Nos.1 to 4.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : DECEMBER 18, 2025

ORDER :

1. Interim Application No.1781 of 2025 and Interim Application No.1054 of 2024 are being taken up by consent of the parties. Suit No.262 of 2021 is a Suit seeking specific performance by the Plaintiff-

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Developer, seeking to enforce a Development Agreement executed with the Defendant-landowner. The two Interim Applications are for intervention.

2. Interim Application No.1781 of 2025 is an intervention sought by Ms. Hemal Modi, seeking intervention on the ground that the primary prayer is that a Permanent Alternate Accommodation Agreement (“**PAAA**”) has been executed with the said intervenor in the course of the redevelopment of the matter.

3. Interim Application No. 1054 of 2024 is an intervention Application filed by J & K Bank, which has lent funds to Mrs. Modi and seeks to mark a lien on the rights, title and interest in Flat No. 402 enjoyed by Mrs. Hemal Modi.

4. Learned Advocates for two intervenors and the Advocate for the Defendant-landowner, have jointly submitted that they are willing to execute an instrument by which, if and when, and as and when redevelopment takes place, Flat No.402 would be bound by a PAAA executed in this regard and the lien of J & K Bank shall be marked on the rights emanating from the redevelopment of Flat No.402.

5. Learned Advocate for the Plaintiff makes it clear that by an order dated April 21, 2021 there had been an ad-interim restraint on any redevelopment of the property until further orders and the resolution of the *inter se* grievance between Mrs. Modi and J & K Bank must not be construed as his acquiescence to any redevelopment, thereby eroding the protections already enjoyed by him since April 21, 2021. Learned Advocate for the Defendant-landowner, has no objection to the aforesaid and clarifies that no equities would be claimed by the execution of a tripartite agreement in connection with Flat No.402 and submits that it would only dispose of the two Interim Applications, leaving the Suit to be considered without having to deal with the intervenors.

6. In these circumstances, liberty is granted to execute a tripartite arrangement, whereby any benefits from redevelopment of Flat No.402 would be confirmed as being available to Mrs. Modi and the original documents thereon shall be delivered to J & K Bank to enable them to mark a lien over such rights and interest. An appropriate recital of this order shall also be included in any documentation to be executed between the Defendant-landowner and Mrs. Modi in the PAAA to be executed.

7. It is clarified, once again and for avoidance of doubt, that nothing would erode the rights of the Plaintiff, particularly the rights enjoyed in terms of the interim reliefs obtaining as of today, which shall continue to bind the Defendant.

8. Interim Application No.5944 of 2025 is an Application filed under Order 7 Rule 9 of the Code of Civil Procedure, 1908 by the Defendant. At the request of the Advocates of the Defendant, the Interim Application shall be listed on ***January 20, 2026*** along with all other Applications connecting to the aforesaid Suits.

9. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]