

HARSHADA H. SAWANT
(P.A.)

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

INTERIM APPLICATION NO.4114 OF 2025
IN
SUIT NO.20 OF 2025

Raghvendra Construction Company Private
Limited .. Applicant

IN THE MATTER BETWEEN:

Zubeda Begum Mohammad Siddique Ansari and
Anr. .. Plaintiffs

Versus

Raghvendra Construction Company Private
Limited and Ors. Defendants

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- Mr. Gaurav Mehta a/w. Mr. Aditya Miskita, Ms. Shamima Taly, Mr. Aziz Mohd, and Ms. Sehyr Taly, Advocates i/by S. Mohamedbhai & Co. for Plaintiffs.
 - Mr. Rahul Pandey a/w. Mr. Ismail Shaik, Advocates for Defendant No.1.
 - Mr. Rashmin Khandekar a/w. Mr. Aditya Lele, Advocates for Defendant No.2.
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CORAM : MILIND N. JADHAV, J.

DATE : DECEMBER 01, 2025

P.C.:

- 1.** Heard learned Advocates for respective parties.
- 2.** Mr. Mehta, Mr. Pandey and Mr. Khandekar learned Advocates have made their preliminary submissions.
- 3.** Interim Application is filed by Defendant No.1 invoking inherent powers of this Court under Section 151 of the Code of Civil Procedure, 1908 for dismissal of the Suit.
- 4.** Mr. Mehta in his usual fairness informs the Court that Suit is

based on the premise that there was an exsistential road line which has been breached by Defendants. He would fairly inform the Court that it has been brought to his notice that in a Writ Petition decided for the same cause of action the said road line has been obliterated.

5. However he would also submit on instructions that pursuant thereto steps were taken by the parties and a fresh road line has now been demarcated. He informs the Court that he needs to take appropriate instructions on this aspect so as to ascertain the correct facts and only thereafter place them before the Court accordingly.

6. If at all the original road line is obliterated and the newly demarcated road line is different other than the original one, then there can be no cause of action for filing the present Suit proceedings.

7. At request of Mr. Mehta for taking appropriate instructions and filing Affidavit-in-Reply or making statement across the bar, Interim Application in the suit stands adjourned by a period of one week from today.

8. Stand over to **09th December, 2025.**

H. H. SAWANT

[MILIND N. JADHAV, J.]

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