

Kavita S.J.

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

INTERIM APPLICATION NO.4148 OF 2025
IN
COMMERCIAL SUIT NO.327 OF 2022

Mack Star Marketing Private Limited

...Applicant/
Org. Plaintiff No.2

In the matter between:

Ocean Deity Investment Holdings Limited,
PCC & Anr.,

...Plaintiffs

Versus

Sarang Wadhawan & Ors.,

...Defendants

Mr. Siddharth Ranade a/w Mr. Prakshal Jain & Ms. Kaazvin Kapadia
i/b Trilegal for the Applicant/Original Plaintiff No.2.

Ms. Saloni Sulakhe i/b Dhaval Vussonji & Associates for Original
Defendant No.5.

CORAM : R.I. CHAGLA, J.

DATED : 7th AUGUST, 2025.

ORDER :

1. This Interim Application has been taken out in the
disposed of Commercial Suit. The Commercial Suit was disposed of
and decreed in terms of Consent Terms dated 13th February, 2025
vide Order dated 14th February, 2025.

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2. The Interim Application has sought for directions to the Registry to send certified copy of the Decree drawn up pursuant to the Order dated 14th February, 2025 in the Suit to the Joint Sub-Registrar of Assurances No.1, Andheri in terms of Section 31(2) of the Specific Relief Act, 1963. Further direction is sought to the Joint Sub-Registrar of Assurances No.1, Andheri to note on the Agreements for Sale dated 29th June, 2017, the fact of their cancellation in terms of Section 31(2) of the Specific Relief Act, 1963. There is an additional relief for expediting the decree.

3. The learned Counsel appearing for the Applicant has referred to the Consent Terms executed between the parties and in particular, Clause 1.4, 2.3 and 2.4 thereof. He has submitted that the parties had agreed and undertaken that the Agreements for Sale are required to be cancelled and terminated with immediate effect. He has referred to Section 31(2) of the Specific Relief Act, 1963 which provides for cancellation of registered instruments. It is provided therein that if a Court orders the cancellation of an instrument registered under the Indian Registration Act, 1908 (16 of 1908), the Court shall send a copy of its decree to the officer in whose office the instrument has been so registered; and such officer shall note on the

copy of the instrument contained in his books the fact of its cancellation.

4. The learned Counsel for the Applicant has accordingly sought for the aforementioned directions under Section 31(2) of the Specific Relief Act, 1963. He has submitted that prejudice will be caused to the Applicant if the Agreements for Sale are not cancelled and the Consent Terms read with Final Order are not given complete effect to. On the other hand, no prejudice will be caused to Defendant No.5 who has already agreed that the Agreements for Sale are *void ab initio* and are required to be cancelled.

5. Having considered the submissions of the Applicant and noting that the present Application is made for seeking directions as per Section 31(2) of the Specific Relief Act, 1963, the relief sought for is required to be granted.

6. By the Consent Terms, the parties had agreed for cancellation of the Agreements for Sale with immediate effect and it is pursuant to the Consent Terms that the above Commercial Suit had been disposed of and decreed in accordance thereof by Order dated 14th February, 2025 and decree was directed to be drawn up

accordingly.

7. In view thereof, the Interim Application is allowed in terms of prayer Clauses (a), (b) and (c) which reads thus:

“(a) Pass an order directing the Registry of this Hon’ble Court to send a certified copy of the decree drawn up pursuant to the order dated 14 February 2025 passed in the Suit to the Jt. Sub-Registrar of Assurances No.1, Andheri in terms of Section 31(2) of the Specific Relief Act, 1963;

(b) Pass an order directing the Jt. Sub-Registrar of Assurances No.1, Andheri to note on the Agreements for Sale dated 29 June 2017, the fact of their cancellation in terms of Section 31(2) of the Specific Relief Act, 1963;

(c) Pass an order directing the Registry of this Hon’ble Court to expedite the drawing up of decree in the captioned Suit (draft of which has been submitted to the Registry on 24 June 2025), preferable within two weeks of the disposal of the present Application.”

8. The Registry shall expedite the drawing up of decree in

the captioned Commercial Suit, within a period of three weeks from today.

9. The Interim Application is accordingly disposed of.
There shall be no orders as to costs.

[R.I. CHAGLA, J.]