



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

SUIT NO.285 OF 2024
WITH
INTERIM APPLICATION NO.3516 OF 2024

Jagdishprasad Dwarkaprasad Shukla HUF ...Plaintiff/Applicant
Versus
Jaywanti Anant Patil & Ors. ...Defendants

WITH
INTERIM APPLICATION NO.4951 OF 2025
IN
SUIT NO.285 OF 2024

M/s. Shelaji Infrastructure LLP ...Applicant/
Org. Defendant No.5

IN THE MATTER BETWEEN:

Jagdishprasad Dwarkaprasad Shukla HUF ...Plaintiff/Applicant
Versus
Jaywanti Anant Patil & Ors. ...Defendants

Ms. Armin Wandrewala a/w Mr. Manan Jaiswal & Ms. Niyati Shah i/b.
MLS Vani & Associates for Plaintiff/Applicant in S/285/24 with
IA/3516/24 and for Respondent in IA/4951/25.

Mr. Pratik Shah for Defendant Nos.1 to 3.

Mr. Ranjeev Carvalho i/b. Mr. Darpan Jain for Defendant No.4.

Mr. Rohan Sawant a/w Mr. Sandeep Nirban i/b. Mr. Rakesh K. Agrawal
for Defendant No.5.

Mr. Sushil Shukla, C.A. of Plaintiff present.

CORAM : JITENDRA JAIN, J.

DATE : 18 SEPTEMBER 2025

P.C.:

1. The present suit has been filed for a declaration that the plaintiff is the owner of the suit property. The plaintiff has taken out Interim Application No.3516 of 2024 for interim protection. In the reply

to the said application, defendants have alleged that there are suppression of facts which are not disclosed in the plaint. To the said allegations, the plaintiff has stated that since he is a senior citizen and on account of medical issues which were not communicated to the advocate and, therefore, inadvertently these facts could not have been averred in the plaint.

2. Since the defendants have taken the above objection, the learned counsel for the plaintiff seeks to withdraw the present suit with a liberty to file a fresh suit disclosing all the facts. Liberty is granted to file a fresh suit, keeping open all the contentions of all the parties including the issue of limitation.

3. Mr. Sushil Shukla, constituted attorney of the plaintiff and his son is present in the Court and this order is passed in the open Court in their presence.

4. The suit is disposed of with above liberty. Consequently, the Interim Applications also would not survive and are disposed of.

5. Refund of court fees in accordance with law.

[JITENDRA JAIN, J.]