

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

**INTERIM APPLICATION NO.5755 OF 2025
IN
SUIT NO.1427 OF 2019**

Devika Sunil Jamdar

..Applicant

IN THE MATTER OF

Devika Jamdar

..Plaintiff/Applicant

Versus

Serika Lal @ Sarika Aggarwal and Ors.

..Defendants

SHARADA
RANGNATH
WAHULE

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SHARADA RANGNATH
WAHULE
Date: 2025.11.15
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Mr. Vijay Kanodia a/w Shardul CS Mahale T. I.b Indrajeet Kulkarni for the Original Plaintiff / Applicant.
Mr. Gauraj Shah a/w Ms. Nikita Jadhav i/b Parinam Law Associates. For Defendant No.1.
Mr. Swayam S. Chopda OSD, Court Receiver.

**CORAM: FIRDOSH P. POONIWALLA, J.
DATE: NOVEMBER 11, 2025**

P. C.

1. This Interim Application has been filed seeking framing of Additional issues.
2. The issues in the Suit were framed by a Division Bench of this Court by an Order dated 4th July 2025, and read as under:-

Sharada

This order is corrected as per order dated 14th November, 2025.

- (i) Whether the Plaintiff proves that the Suit Flat viz. Flat No.308 in Shalaka Cooperative Housing Society Ltd. formed part of the estate of the deceased Raghunandan Lal Aggarwal on the date of his death viz. 15th April 2017?
- (ii) Whether Defendant No.1 proves that the deceased Raghunandan Lal Aggarwal had transferred his title in the Suit Flat being No.308 at Shalaka Co-operative Housing Society Ltd. in favour of Defendant No.1 in his lifetime?
- (iii) Whether Defendant No.1 proves that she is the sole beneficiary in respect of the loan given by the deceased Raghunandan Lal Aggarwal to M/s Rare Enterprises?
- (iv) Whether the Plaintiff is entitled to a declaration that the Plaintiff and the Defendants, as legal heirs of the Deceased, are each entitled to a 1/4th undivided share in the properties set out in Exhibit B to the Plaint?
- (v) Whether the Plaintiff is entitled to a declaration that the occupation by Defendant No.1 of the suit Flat after the deceased expired to the exclusion of the other heirs, is unlawful?
- (vi) Whether the Plaintiff is entitled to a decree against Defendant No.1 to deliver vacant and peaceful possession of the Suit Flat No.308 to the Plaintiff for the purpose of administration of the estate of the deceased Raghunandan Lal Aggarwal?
- (vii) Whether the Plaintiff is entitled to an order of accounts of the estate of the Deceased with details of income and profits derived from the estate of the Deceased and for the same to be administered as per orders of this Court?
- (viii) Whether the Plaintiff is entitled to a decree of partition of the estate of the Deceased or that the same be sold and proceeds distributed amongst the heirs?
- (ix) What order?
- (x) What costs?

3. The additional issues sought to be added are as follows:-

- . Whether Defendant No.1 was
 - a. ever eligible for membership of Shalaka Co-operative Housing Society in light of Clause 17 of the Maharashtra Government Resolution dated 15.12.1987,

which restricts such membership to Government Officers and members of the High Court Judiciary,?

b. ever a transferee in light of Memorandum of Transfer (MoT) on the reverse of the Original Duplicate Share Certificate being blank?

c. misrepresenting material facts and misleading this Hon'ble Court as despite having prior knowledge of (a) the said Government Resolution, and (b) the fact that the Memorandum of Transfer (MoT) on the reverse of the Original Duplicate Share Certificate was blank and unsigned, nevertheless filed her Written Statement dated [8.10.2021] asserting eligibility and ownership,?

d. Whether the payment of royalty by Defendant No.1, also applies retrospectively from 15.04.2017 (date of intestate death of the deceased) until September 2022, in light of (a) Payment of royalty from October 2022, pursuant to this Hon'ble Court's Orders dated 30.09.2022 and 20.12.2022..

(b) Defendant No.1's admission of exclusive use and occupation of the Suit Flat without any title documents or legal rights from 2000?

4. In my view, none of these Additional issues are required to be framed as all these additional issues are subsumed in the issues already framed by the Division Bench by its Order dated 4th July, 2024, and, in particular, in Issues Nos.(ii), (v) and (vi).

5. For the aforesaid reasons the Interim Application is dismissed. There will be no order as to costs.

[FIRDOSH P. POONIWALLA, J.]

Sharada

This order is corrected as per order dated 14th November, 2025.