

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 9658 OF 2024
IN
APPEAL FROM ORDER NO. 871 OF 2023**

Twinkle Star Cooperative
Housing Society Limited

...Applicant.

V/s.

Tricity Realty LLP

...Respondent.

*Mr. Mayur Khandeparkar with Ms. Deepa Mani & Mr. Ravi Upadhyay i/b.
DM Legal Ventures, Advocate for the Applicant.*

Mr. Rajat Jain i/b. M.M. Legal, Advocate for Respondent.

CORAM: SANDEEP V. MARNE, J.

DATED: 23 APRIL 2026.

P.C.:

1) Interim Application is filed seeking clarification of the order dated 11th December, 2023. While vacating the injunction order passed by the City Civil Court dated 22nd June, 2023, this Court has observed that “The Appellant Society shall be at liberty to go ahead with the development of its property subject to rights and contention of the Respondent.”

2) Mr. Khandeparkar, learned Counsel appearing for the Applicant /Appellant Society submits that the above observation in the

order dated 11th December, 2023 is coming in the way of the Society for effectively implementing re-development process through another developer. My attention is invited to the letter dated 5th March, 2026 by new developer chosen by the Society.

3) When this Court has granted liberty to the Society to go ahead with the process of redevelopment of its property, such liberty was obviously granted subject to the rights and contentions of the Respondent – Developer to claim monetary compensation from the Society. This also apparent from the subsequent application for amendment filed by the Respondent – Developer in which it is sought to be contended in paragraph – 18C as under :

“18C. The Plaintiff states that, in view of the aforesaid, since the Defendant will now be appointing another Developer to undertake the redevelopment of the Said Project, it is evident that the Plaintiff will no longer be able to proceed with the same: which has resulted in significant losses and therefore, the Defendant is liable to compensate the Plaintiff for such losses.”

4) Thus, even the Respondent – Developer admits the position that its claim in the suit now is restricted only to claim compensation against the Society.

5) In that view of the matter, the order dated 11th December, 2023 is clarified by observing that the liberty granted by this Court to the Society to go ahead with the development of its property shall be subject to only right and contentions relating to the monetary claim/compensation of the Respondent – Developer.

6) With the above clarification, Interim Application is disposed
of.

[SANDEEP V. MARNE, J.]