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

WRIT PETITION NO. 13674 OF 2025

M/s. Nidhi Royal Developer LLP
Through Partners and Ors.

.. Petitioners

Versus

M/s. Man Mandir Properties Pvt. Ltd. and Ors.

.. Respondents

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- Mr. Robert D'Abreo, Advocate i/by JRA Law Associates LLP for Petitioners.
- Mr. Ramesh Soni, Advocate i/by Satya M. Shettigar for Respondent No.1.
- Mrs. V.S. Nimbalkar, AGP for the State.

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CORAM : MILIND N. JADHAV, J.

DATE : MAY 05, 2026.

P.C.:

1. Heard Mr. D'Abreo, learned Advocate for Petitioners; Mr. Soni, learned Advocate for Respondent No.1 and Mrs. Nimbalkar, learned AGP for the State.

2. Mr. D'Abreo draws my attention to the order dated 10.11.2025. In compliance with the directions contained in paragraph No.7 of the order, Mr. Soni enters appearance for Respondent No.1. He would submit that he is one of the Defendants in the Suit proceedings bearing Special Civil Suit No.248 of 2022 which has been filed by the Petitioner seeking declaratory relief of entitlement with regard to the subject property which is the subject matter of the present Writ Petition.

3. He would submit that in adherence to the above order, Respondent No.1 has filed Affidavit-in-Reply on 30.04.2026. Copy of the said Reply is served accordingly to him on the Petitioner, but Mr. D'Abreo informs the Court that he has not received the copy. Copy of the said Affidavit-in-Reply is forthwith given to Mr. D'Abreo by the Court. Fresh copy of the Affidavit-in-Reply shall be filed by Mr. Soni in the Court proceedings accordingly.

4. Mr. D'Abreo makes a very important submission. He would submit that possession of the suit property is with the Petitioner. Be that as it may, the case which is made out by Respondent No.1 in the Affidavit-in-Reply is to the effect that Respondent No.1 has already created third party rights and handed over possession of the subject property to a third party called 'Conceptual Advisory Services LLP'. All details are given in the Affidavit-in-Reply.

5. Mr. Soni would submit that in the Suit proceedings filed before the Civil Court, the Petitioner who is Plaintiff therein has impleaded the said third party namely Conceptual Advisory Services LLP as Defendant No.15 therein. He would therefore submit that Petitioner has knowledge of the fact that Respondent No.1 has created third party rights and handed over possession of the subject property to the said third party. Incidentally the third party is not made a party to the present Writ Petition. When the *lis* between the parties is

pending in the Civil Court, *inter alia*, with regard to entitlement of the same property, the *lis* between the parties with regard to mutation entries which *prima facie* relates to disputed questions of facts cannot be gone into by this Court under Article 226 read with Article 227 of the Constitution of India. When such disputed questions of facts arise and parties are before the Civil Court, it would be appropriate to relegate the parties to the Civil Court. The said order can be passed today, but in the absence of the said Conceptual Advisory Services LLP I cannot pass that order.

6. However after hearing Mr. D'Abreo for some time and deliberating with him on the issue of the alleged fraud by Respondents on the basis of the documents, Mr. D'Abreo has now taken instructions and has agreed to prosecute the *lis* between the parties in the learned Civil Court where Special Civil Suit No.248 of 2022 is pending.

7. In that view, it will be appropriate to dispose of this Petition keeping all contentions of Petitioner who is Plaintiff expressly open before the Civil Court as also of all parties to the Suit proceedings.

8. Mr. D'Abreo has also persuaded the Court to pass injunctive relief against Conceptual Advisory Services LLP. However, in the absence of the said party before this Court in the present Writ Petition, as also disputed questions of facts having arisen with regard to status of possession of the suit property, it would not be appropriate to pass

any order here, but I leave it to the Civil Court to decide the same.

9. All contentions of the parties including Conceptual Advisory Services LLP are expressly kept open before the Civil Court.

10. If Plaintiff desires to take out any Application seeking injunctive relief against Conceptual Advisory Services LLP, he is free to do so in accordance with law. If any such Application is taken out, the Civil Court shall deal with the same strictly in accordance with law after hearing all concerned parties thereto.

11. Mr. D'Abreo, learned Advocate informs the Court that Exhibit '5' Application is already filed before the Civil Court. If said Application is pending, the Civil Court shall ensure that pleadings are completed in the said Application by all concerned parties and the Application is disposed in accordance with law after hearing all parties by passing a reasoned / speaking order.

12. Needless to state that mutation entries which have been carried out shall be the subject to the final order that will be passed in the Civil Suit filed by the Plaintiff.

13. Learned Trial Court is also directed to expedite hearing of the Special Civil Suit which is pending before the Civil Court.

14. Writ Petition is disposed in above terms.

15. All parties are directed to act on a server copy of this order downloaded from the website of the High Court of Bombay.

[MILIND N. JADHAV, J.]

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