

Arjun

ARJUN
VITTHAL
KUDHEKAR

Digitally signed by
ARJUN VITTHAL
KUDHEKAR

Date: 2026.02.16
21:13:53 +0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.218 OF 2026
IN
WRIT PETITION NO.16566 OF 2025

Shraddha Sachin Jadhav ...Applicant
Through her Authorized representative
Shweta S. Masurkar

IN THE MATTER BETWEEN

Vaibhav Subhash Kute ...Petitioner
Versus
Shraddha Sachin Jadhav ...Respondent

Mr. Uday B. Nighot a/w Akhilesh Singh & Manish Dubey, for the Applicant.

Mr. Chinmay Dharmadhikari a/w Uroosa Shaikh, for the Original Petitioner.

CORAM: MADHAV J. JAMDAR, J.
DATED: 16 FEBRUARY 2026

P.C.:

1. Heard Mr. Nighot, learned Counsel appearing for the Applicant/Original Respondent and Mr. Dharmadhikari, learned Counsel appearing for the Original Petitioner.

2. The relief sought in this Interim Application is recall of Order dated 8th December 2025 passed by this Court in Writ Petition No.16566 of 2025.

3. By Order dated 8th December 2025, this Court allowed withdrawal of the Writ Petition and dismissed the same as withdrawn, subject to the limited protection that the Petitioner shall not be evicted from the subject premises till 31st March 2026. It has been further directed that if the Petitioner fails to get any interim relief protecting his possession of the subject premises in the said pending Short Cause Civil Suit No.1384 of 2023 till 31st March 2026, then, in that event, the Petitioner to handover the possession of the subject premises to the Respondent immediately.

4. It is the submission of Mr. Nighot, learned Counsel for the Applicant/Original Respondent that a Caveat has been filed, however, the Respondent has not been served.

5. Mr. Dharmadhikari, learned Counsel for the Original Petitioner, states that Caveat has not been served.

6. Mr. Nighot, learned Counsel, states that, although Caveat was sent on the address of the Petitioner, there is no material available with the Respondent to indicate that the Petitioner has been served with the Caveat.

7. In any case, by said Order dated 8th December 2025, the Writ Petition has been withdrawn and a very limited protection has been granted to the Original Petitioner. Thus, no case is made out for recall/modification of the said Order dated 8th December 2025.

8. As noted in the Order dated 8th December 2025, all contentions raised in the Civil Suit by both the parties, are expressly kept open.
9. Accordingly, the Interim Application is disposed of.

[MADHAV J. JAMDAR, J.]