

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.1165 OF 2026
IN
WRIT PETITION NO.4941 OF 2024

Jharna Marchal Rodrick ...Applicant
Versus
Prashant Subhash Jadhav ...Respondent

Mr. A. K. Shukla a/w. Mr. M. P. Mishra and Mr. R. K. Tiwari, for the Applicant.
Mr. Mangesh Naik, for the Respondent.

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

P. C.:

1. This Court by order dated 24th November 2025 dismissed the Writ Petition for non-prosecution as none has appeared for the Petitioner.

2. Thereafter, Interim Application No.1165 of 2026 has been filed for restoration. However, surprisingly, Ms. A. B. Rawal, learned Advocate has filed praecipe for withdrawal of the Interim Application. The said Interim Application No.1165 of 2026 has been verified by Mr. Harish Vitthal Desai, Constituted Attorney of

the Petitioner-Jharna Marchal Rodrick. As said Constituted Attorney was not even aware where the suit premises are situated, therefore, this Court passed the following order on 11th February 2026:

“1. This Interim Application is filed for restoration of the order dated 24th November 2025, by which the Writ Petition is dismissed for non-prosecution.

2. A praecipe is filed by Mr. A. B. Rawal, Advocate, seeking withdrawal of the Interim Application. Mr. A. K. Shukla, learned Advocate appears for the Applicant/Petitioner and submits that the Constituted Attorney of the Applicant/Petitioner is present in Court.

3. It is stated that the settlement talks are going on with the builder and therefore, the Interim Application needs to be withdrawn.

4. The Power of Attorney executed on 29th January 2024 in favour of Harish Vitthal Desai states that the Respondent-Prashant Subhash Jadhav by playing fraud on the Petitioner-Jharna Marchal Rodrick has got executed certain documents.

5. The said Constituted Attonrey-Mr. Harish Vitthal Desai is personally present in Court and he submits that the Petitioner-Jharna Marchal Rodrick is bed-ridden. However, he is not even aware of the details of the suit premises.

6. Accordingly, in the facts and circumstances, the High Court Legal Services Committee, Mumbai is

requested to appoint two para-legal volunteers to visit the premises in question i.e. Room No.658, Pereira Chawl, Juhu Village, Juhu, Santacruz (West), Near Juhu Church, Mumbai – 400049. The High Court Legal Services Committee, Mumbai to submit report on or before 16th February 2026.

7. Stand over to 16th February 2026. To be listed First on Board.

8. Till next date, the Applicant/Petitioner-Jharna Marchal Rodrick shall not be evicted from the suit premises.

9. Power of Attorney which is tendered in the Court is directed to be kept in a sealed cover. ”

3. Pursuant to the said order dated 11th February 2026, the High Court Legal Services Committee, Mumbai, appointed two para-legal volunteers to visit the premises and found that there is no such person namely Jharna Marchal Rodrick residing in the premises and the premises were found to be locked. They were informed that the premises are locked for more than one year.

4. A praecipe dated 10th February 2026 filed by Ms. A. B. Rawal, learned Advocate of the Petitioner reads as under:

“...Be pleased to direct the office to Place the abovesaid matter for withdrawal of the abovesaid Interim Application on

The present interim application was filed for restoration of the abovesaid writ Petition, which was dismissed for default.

Hence urgency in the matter.”

5. Mr. Mangesh Naik, learned Counsel appearing for the Respondent submits that said Jharna Marchal Rodrick has vacated the premises about two years back.

6. Mr. Shukla, learned Advocate appearing for the Applicant submits that in fact said Jharna Marchal Rodrick has sold the premises to one Mr. Jagdish Chavan and the reference to the same has been made in paragraph No.7 of the impugned order dated 18th March 2024, which reads as under:

“7. The applicant submitted that applicant has not sale the application premises to the respondent and applicant has not received any money towards consideration amount. The applicant further states that in the month of August, 2021 with prior consultation of landlord’s family allow the applicant to transferred the premises and on 14.08.2021 applicant transferred all right title and interest in favour of Mr. Chauhan and since then Mr. Chauhan are in peaceful possession of the room premises.

Therefore, the Applicant prayed that the order passed by the competent Authority may be quashed, set aside and/or modified and allow the Revision Application of the Applicant.”

(Emphasis added)

7. Thus, in the facts and circumstances, the Interim Application No.1165 of 2026 is allowed to be withdrawn and dismissed as such.

8. Ad-interim order granted by order dated 11th February 2026 stands vacated forthwith.

[MADHAV J. JAMDAR, J.]

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