

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 11268 OF 2025
IN
INTERIM APPLICATION NO.490 OF 2019
IN
FIRST APPEAL NO. 1335 OF 2024

Rajendra Kumar Agarwal & Anr.Appellants/Applicants
V/S
Mukul Sewtilal Agrawal & Anr.Respondents

Mr. Abhishek Patil a/w. Mr. Sahil Wagh for Appellants/Applicants.
Mr. Aqil S. Khan i/b Judicare Law Associates for Respondent No.1 in
FA/1335/2024 & Appellant in FA/242/2021.

CORAM : M. M. SATHAYE, J.

DATED : 11th NOVEMBER 2025

P.C.:

1. Heard learned counsel for the Applicants and learned counsel for contesting Respondent No. 1 - Mukul Sewtilal Agrawal.
2. The application is taken out by the Appellants praying to implead the concerned developer as proposed Respondent and direction to the concerned Developer to hand over possession of re-developed Flat No. 42, 6th Floor, Building No.21, Ashish CHS, Manish Nagar, Four Bungalows J.P. Road, Andheri (West), Mumbai – 400053 to Appellants. Further direction is sought to comply with an order of this Court dated 27th February, 2025.

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3. Learned Counsel for the Appellants invited this Court's attention to the communication issued by the concerned Developer (proposed Respondent Grace Estate Development Ventures) dated 10.05.2025. Under said communication the said developer has informed the Advocate of the Appellants that according to the developer, the Order of this Court in IA/490/2019 is not specific to them and about the flat and a request was made to obtain a specific Order.

4. The nature of dispute is essentially limited to private parties being Plaintiff and Defendant Nos. 1 and 2. Because of the peculiar circumstances involving reconstruction of the old suit property, the developer has come into picture.

5. After considering the rival claims, this Court has already stayed the impugned Judgment and decree by subjecting the Appellants to deposit Rs. 10,000/- per month in this Court. It is not disputed that the Defendants are depositing the same in this Court regularly till today.

6. Considering the stand taken by the developer, the present application is disposed of by passing following order :

A) Proposed Respondent (Grace Estate Development Ventures) is directed to hand over possession of Flat No. 42, 6th Floor, Building No.21, Ashish CHS, Manish Nagar, Four Bungalows J.P. Road, Andheri (West), Mumbai – 400053 to the Applicants (Rajendra Kumar Agarwal and Ragini Agarwal) in terms of an Order dated 27th February, 2025 passed in Interim Application 490 of 2019.

B) It is clarified that the possession that will be received by the Applicants shall be subject to final outcome of the appeal and such

directions that may be issued by the Court.

C) It is further clarified the Clauses 7 and 8 of the Order dated 27th February, 2025 would continue to operate between the parties.

7. IA/11268/2025 is disposed of in above terms.

(M. M. SATHAYE, J.)