

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 488 OF 2025
WITH
INTERIM APPLICATION NO. 11290 OF 2025
IN
APPEAL FROM ORDER NO. 488 OF 2025

Nasim Ibrahim Sabuwala and Anr. .. Appellants

Versus

Neumec Reality and Ors. .. Respondents

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- Mr. Ammar Kanorwala a/w. Nafisa Asarwala, Advocates for Appellants.
 - Mr. Amogh Singh, Advocate i/by Jeet Gandhi for Respondent No.3.
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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 02, 2026.

P.C.:

1. Heard Mr. Kanorwala, learned Advocate for Appellants and Mr. Singh, learned Advocate for Respondent No.3.
2. Mr. Singh, learned Advocate files Affidavit-cum-Undertaking dated 02.04.2026. The same is taken on record. In compliance of the said Affidavit-cum-Undertaking, he informs the Court that possession of flat namely Flat No.801 as stated therein has been handed over to Appellant. In that view of the matter, in so far as the *lis* in the present Appeal From Order is concerned, the same does not survive and has become infructuous.

3. Needless to state that if any other issue prevails or remains in the Suit proceeding before the Trial Court, liberty to the parties to approach the Trial Court accordingly and make their submissions therein.

4. In view of this order and the possession of Flat No.801 as stated in the Affidavit-cum-Undertaking, keys are handed over to Appellant who is present in Court in the presence of the Court and her Advocate Mr. Kanorwala. I am informed across the bar that possession receipt has been signed by her. There shall be no impediment in ensuring that she gets physical vacant possession of the flat today itself so that there should not be a complaint to the Court.

5. Needless to state that all contentions of Appellant and Respondent with regard to the second flat are expressly kept open without prejudice to their rights and contentions.

6. In view of the above order, Appeal From Order is disposed.

7. In view of disposal of Appeal From Order, pending Interim Application No.11290 of 2025 is disposed accordingly.

[MILIND N. JADHAV, J.]

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