

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5992 OF 2026

XLO India Private Limited ..Petitioner
Versus
Maharashtra Industrial Development Corporation ...Respondents
& Anr

Mr. Aditya Bapat, with Akshay Kamble, Neha Patil, Trupti Poojary and
Siddhi Kolap, i/b Vivaka Partners for the Petitioner.
Mr. Arnav Urankar, with Iraa Dube Patil, i/b Jay and Co, for
Respondent No.1-MIDC.
Mr. Pradeep Thorat, with Aditi Naikare, for Respondent No.2.

CORAM: N. J. JAMADAR, J.
DATE : 5th MAY 2026

ORAL ORDER:

1. Heard the learned Counsel for the parties.
2. The challenge in this Petition is to a judgment and order dated 24th March 2026 passed by the learned District Judge, Nashik in MCA No. 114 of 2025, whereby the Appeal preferred by Respondent No.2-original Defendant No.2 against an order dated 12th August 2025 passed by the learned Civil Judge, Nashik, on an application for temporary injunction in RCS No. 267 of 2025, came to be partly allowed by setting aside the said order and remitting the Application Exhibit “25” for

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afresh determination, in the light of the observations in regard to the jurisdiction of the Trial Court.

3. The learned District Judge has also requested the Trial Court to decide the matter as expeditiously as possible and, in any event, within a period of three months from the date of the said order.

4. The essential challenge in the suit is to the communication dated 15th January 2025 (page 308 of the Petition) whereby Respondent No.2, MIDC, professed to cancel the allotment of Plot No.54 (A), admeasuring 10,200 sq mtrs, an open plot, and resume its possession and a further document dated 28th January 2025, which purports to be a panchnama of resumption of possession of the said plot, by the Respondent No.2.

5. The case of Petitioner is that, Respondent No.2 has executed a registered Lease Deed in favour of the Petitioner on 3rd June 2021 and by accepting a premium of Rs.4,08,000/- granted the lease of the subject plot for a term of 95 years commencing from 1st December 1973, on a nominal yearly rent of Rs. One.

6. The learned District Judge interfered with the order passed by the Trial Court on two counts. Firstly, the aspect of territorial jurisdiction of the Trial Court to entertain, try and decide the suit, in the light of the Clause 21 of the Lease Deed which purportedly confers exclusive jurisdiction upon the Courts in Mumbai, was not examined by the

learned Civil Judge. Secondly, the implications of the Circular dated 31st January 2008 on the validity of the Lease Deed were not considered by the learned Civil Judge.

7. Since the order under challenge is that of remitting the matter back to the Trial Court for a fresh decision, in exercise of the supervisory jurisdiction, this Court does not find any justifiable reason to entertain the Petition. However, as the learned Civil Judge had granted interim relief in favour of the Petitioner, till the Application for temporary injunction (Exhibit “25”) is decided afresh by the Trial Court, the Petitioner deserves some protection.

8. The Trial Court had restrained the Respondents from acting upon the letter dated 15th January 2025 and the possession receipt dated 28th January 2025 and from creating any third party interest in respect of Plot No. 54A, till the decision of the suit.

9. The parties are at issue over the factum of actual possession over the subject plot. The Petitioner asserts it is still in possession and a sham panchanama of resumption of possession has been drawn. The Respondent No.2 controverts this position.

10. The restraint on creating any third party interest in Plot No. 54A deserves to be maintained till the decision of the Application for temporary injunction afresh (Exhibit “25”).

11. As regards the issue of possession, this Court directs that the status quo as it obtains today shall be maintained by the parties till the final decision of the Application for temporary injunction (Exhibit “25”).

Ordered accordingly.

12. The learned Civil Judge is requested to hear and decide the Application for temporary injunction (Exhibit “25”) on its own merits and in accordance with law, without being influenced by the observations in the impugned order and this order.

13. However, the aspect of jurisdiction shall be examined by the learned Civil Judge.

14. The Petition stands disposed.

[N. J. JAMADAR, J.]