

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
SECOND APPEAL NO. 140 OF 2026  
WITH  
INTERIM APPLICATION NO. 14002 OF 2026

Roma Builders Pvt Ltd ..Appellant

**Versus**

Tukaram Undir Mukadam Through Its Legal ...Respondents  
Heirs Meghraj Tukaram Mukadam and Ors

Adv Smeet Savla, with Priyal Gandhi, i/b SHS Chambers, for the  
Appellant.

Mr. Ganesh K Sovani, with Devdatta Salvi, for the Respondents.

CORAM: N. J. JAMADAR, J.

DATE : 6<sup>th</sup> MAY 2026

**P.C.:**

1. Interim Application No. 14002 of 2026 not on board. Upon mentioning, taken on board.

2. Heard the learned Counsel for the Applicant.

3. The learned Counsel for the Applicant submits that the Applicant has filed an Application to withdraw the Second Appeal with liberty to file appropriate proceedings against Defendant to claim damages and compensation and for any other relief with respect to the subject matter of the present proceedings.

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SANKPAL

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4. In view of the dismissal of the suit for specific performance of the contract, such expansive liberty cannot be granted. The Appellant can only avail those remedies which may be available in law.

5. The Second Appeal thus stands dismissed as withdrawn with liberty to avail the remedies as available in law.

[N. J. JAMADAR, J.]