

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 628 OF 2026
IN
WRIT PETITION NO. 16498 OF 2025

PATARC Developers	...Applicant
IN THE MATTER BETWEEN	
Sherry Sarosh Doodhmal Nee	
Sherry Dorab Pavri	...Petitioner
Versus	
Maharashtra Housing & Area Development	
Authority & Ors.	...Respondents

Mr. Sudhanva Bedekar i/b. Aditya Lele for the Applicant.

Adv. Huzefa Nasikwala a/w Idris Balasinorwala, Farzana Rine for Org. Petitioner.

Mr. V. R. Raje, AGP a/w Mr. P. Sawant, AGP for the State.

CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.

DATE: 29th JANUARY 2026

P.C.

1. This Interim Application is filed in a disposed of Petition. Considering the settled principles of law as laid down by the Supreme Court in the case of **State of U.P. Vs. Shri. Brahm Datt Sharma and another [AIR (1987) SC 943]** the Petitioner is required to file substantive proceedings as may be permissible in law.

The relevant portion of the said Judgment is extracted herebelow:-

“No miscellaneous application could be filed in the writ petition to revive proceedings in respect of subsequent events after two years. If the respondent was aggrieved by the notice dated 29.1.86 he could have filed a separate petition under Art. 226 of the Constitution challenging the validity of the notice as it provided a separate cause of action to

him. The respondent was not entitled to assail validity of the notice before the High Court by means of a miscellaneous application in the writ petition which had already been decided. The High Court had no jurisdiction to entertain the application as no proceedings were pending before it. The High Court committed error in entertaining the respondent's application which was founded on a separate cause of action. When proceedings stand terminated by final disposal of writ petition it is not open to the Court to reopen the proceedings by means of a miscellaneous application in respect of a matter which provided a fresh cause of action. If this principle is not followed there would be confusion and chaos and the finality of proceedings would cease to have any meaning.”

2. In view of the above, keeping open all contentions of the Petitioner, the present Interim Application is disposed of with liberty to file appropriate proceedings. All contentions of the parties are expressly kept open.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)