

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.803 OF 2026
IN
FIRST APPEAL NO.281 OF 2021**

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Clover Developers Pvt. Ltd.

.. Applicant /
Appellant

Vs.

Rakhee Sachdev & Ors.

.. Respondents

**WITH
WRIT PETITION NO.7247 OF 2023
WITH
INTERIM APPLICATION NO.16432 OF 2023
IN
WRIT PETITION NO.7247 OF 2023
WITH
FIRST APPEAL NO.282 OF 2021**

...

Mr. Dinyar Madon, Senior Advocate with Ms. Kausar Banatwala, Mr. Ziyad Madon, Ms. Vidisha Rohira and Mr. Dhavall Gandhi i/b. Tushar Goradia, Advocates for the Applicant in IA/803/2026 and for the Appellant in FA/281/2021

Ms. Neuty Thakkar, Advocate for the Appellant in FA/282/2021

Mr. Mayur Khandeparkar i/b. Mr. Tushar Goradia, Advocates for the Petitioners in WP/7247/2023

Mr. Lalit Jhunjhunwala with Mr. Pavan Patil, Ms. Ruchita Verma, Mr. Shubham Saraf and Mr. Tanmay Deshmukh, Advocates for Respondent Nos.1 to 7 and 9.

Mr. O. A. Chandurkar, Additional Government Pleader with Ms. G. R. Raghuwanshi, AGP for the State.

Mr. Pravin Nadkarni, Applicant in person in IA/16432/2023

**CORAM : SHREE CHANDRASHEKHAR, CJ &
GAUTAM A. ANKHAD, J.**

DATE : 6th FEBRUARY 2026

P.C. :

This interim application seeks to raise further grounds in the pending First Appeal. Mr. Dinyar Madon, the learned senior counsel for the applicant states that there has been a change in law while this First Appeal was pending before this Court and this has necessitated incorporation of certain facts and grounds in the memo of first appeal.

2. Mr. Lalit Jhunjhunwala, the learned counsel for the respondent nos.1 to 7 and 9 tenders a copy of the reply-affidavit which is taken on record.

3. The respondents have opposed this interim application for the reason that the grounds urged on behalf of the appellant may be adjudicated at the time of final hearing and there is no necessity for any amendment in the pleadings. The learned counsel for the respondents further states that the appellant has already moved an application before the Real Estate Regulatory Authority (RERA) and an order has been passed thereon.

4. Order XLI Rule 27 of the Code of Civil Procedure, 1908 provides that any application for raising further ground can be entertained by the appellate court for arriving at a just decision in the Court. Whether the provisions of the Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer) (Amendment and Validation) Act, 2025 shall apply in the facts of the case or not is an issue that can be considered at the time of final hearing.

5. At this stage, the merits of the matter cannot be adjudicated

upon by this Court while seized with this interim application.

6. Therefore, the Interim Application is allowed. Amendment to be carried out within four weeks.

7. The reply-affidavit shall be filed by the respondents within one week thereafter.

8. Post this matter on 17th March 2026.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]