
**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

IN ITS COMMERCIAL DIVISION

**INTERIM APPLICATION NO. 5410 OF 2025
IN
COMMERCIAL SUIT NO. 8 OF 2023**

Ketan Himatlal Mehta ...Applicant

In the matter between :

Ketan Himatlal Mehta ...Plaintiff

Versus

Vaibhav Development Corporation And 6 Ors. ...Defendants

**WITH
INTERIM APPLICATION NO. 6880 OF 2025
IN
SUIT NO. 227 OF 2018**

Mr. Ziyad Madon *a/w Murari Madekar i/b Madekar & Co.,
for Plaintiff.*

Adv. Umang Mehta *i/b Adv. Siddesh Borkar, for Defendant
Nos.1 and 2.*

Adv. Yassesh Kamdar *a/w Neha Patil i/b Akshay Vijay
Kamble, for Defendant No.5.*

Mr. Sunil C. Khandagale *i/b Komal Punjabi, for the
Respondent -BMC.*

Mr. Vishal Thaker *a/w Anjali Trivedi, Mulansho Vora, for
Defendant No.6.*

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : APRIL 20, 2026

ORDER :

1. Learned Advocate for the Applicant in Interim Application No. 5410 of 2025, fairly states that the Application has become infructuous, in view of subsequent developments, in particular, the Municipal Authorities having issued Occupation Certificates despite protests by the Applicant regarding pending issues concerning the DP Road.

2. In these circumstances, Interim Application No. 5410 of 2025 is ***disposed of*** as infructuous.

3. Issues would now need to be framed in the Suit. Parties are directed to share draft issues with one another to attempt to arrive at an agreed common set of issues, leaving it to the Court to bridge any gaps in their agreement over the framing of the issues.

4. Let such exercise be done within a period of one week from today. Stand over to ***May 4, 2026***, under the caption '***Framing of Issues***'.

5. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]