

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

SUIT NO. 193 OF 2018

Anupama Sharaschandra Shirodkar & Ors.

... Plaintiffs

V/s.

Sanjeev Sharaschandra Shirodkar

... Defendant

WITH
NOTICE OF MOTION NO. 571 OF 2018
WITH
INTERIM APPLICATION NO. 6372 OF 2025
IN
SUIT NO. 193 OF 2018

Mr. Dilip V. Sawant a/w. Mr. Priyank Kulkarni i/b. PS Chambers for Plaintiffs.

Mr. Maroof M. Khan for Defendant no. 1 and for Applicant in IA/6372/2025.

CORAM : FARHAN P. DUBASH, J.

DATE : 8th APRIL 2026

P. C.:

NOTICE OF MOTION NO. 571 OF 2018

1. By an order dated 4th April 2018, this Court had granted ad-interim reliefs sought in paragraph 3 thereof, restraining the Defendant and the Respondent – Developer from creating any third party rights in respect of the Mulund flat in Neelam Nagar, G-6, 502, 5th Floor, Gavanpada Road, Mulund (East), Mumbai – 400 081, pending further orders without prior leave of this Court obtained after at least two weeks prior written notice to the Plaintiffs.

2. By consent of parties it is agreed that the present Notice of Motion can be disposed of in terms of the following order :

:: ORDER ::

(i) The said direction contained in the order dated 4th April 2018 will continue to operate pending the hearing and final disposal of the Suit.

(ii) Liberty is granted to the Plaintiffs to take out an appropriate proceeding in so far as the Lonavala Row House/Bungalow is concerned. All rights and contentions of parties in that regard are kept expressly open.

(iii) The present Notice of Motion is disposed of in terms of the aforesaid order. There shall be no order as to costs.

INTERIM APPLICATION NO. 6372 OF 2025

3. The present Interim Application has been preferred by the Defendant. By this Interim Application the Defendant asserts that various immovable and movable properties that are set out in the Interim Application form part of the estate of the Deceased father of which administration has sought by the Plaintiffs in the present Suit by deliberately suppressing the said properties. The Defendant therefore seeks a relief from this Court directing the Plaintiffs to amend the

Schedule of properties to include the properties that are set out in the said Interim Application.

4. Prior to taking out this Interim Application, the Defendant had filed his Written Statement on 15th May 2018. In this Written Statement the Defendant has propounded a similar case. However, after filing of the said Written Statement in 2018, the Defendant had not approached this Court for any reliefs pursuant to the assertions made in the Written Statement.

5. Considering this, the onus lies on the Defendant to prove that the items which he claims forms part of the estate of the Deceased and therefore required to be included in the Schedule of Assets in the present Suit, are in fact, assets of the Deceased. The Plaintiffs denies the same. Considering this, it is a triable issue and evidence would necessarily have to be led, both documentary as well as oral by the Defendant in order to prove his said assertion this cannot be done at an interlocutory stage in the present Interim Application.

6. Accordingly, the reliefs sought in the present Interim Application cannot be granted at this stage and accordingly, the present Interim Application is hereby dismissed with no order as to costs.

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7. Mr. Sawant, learned Counsel who appears on behalf of the Plaintiffs and points out that the Writ of Summons be issued to the Defendant nos. 2 & 3. Considering the submission made by Mr. Sawant, the Registry shall issue a Writ of Summons through the Sheriff on Defendant nos. 2 & 3. Returnable on 15th June 2026.

8. Place the matter on 15th June 2026 under the caption “For Directions”.

(FARHAN P. DUBASH, J.)

Ajay Jadhav