

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

**INTERIM APPLICATION NO.2678 OF 2025
IN
SUIT NO.684 OF 2013**

**DEEPAK NAMCHAND SHAH)...APPLICANT
IN THE MATTER BETWEEN
DEEPAK NAMCHAND SHAH)...PLAINTIFF**

V/s.

**MARVELLOUS BUILDERS PVT. LTD.AND OTHERS)...DEFENDANTS
WITH
APPEAL (L) NO.43017 OF 2025
IN
INTERIM APPLICATION NO.2678 OF 2025**

Mr.Sarosh Bharucha a/w. Ms.Ishani Khanwilkar, Mr.Tejas Shinde and Mr.Bijoy Chacko i/by E.A.Sasi, Advocate for the Applicant/Plaintiff.

Dr.Birendra Saraf, Senior Advocate a/w. Mr.Rohaam Cama, Mr.Aseem Naphade, Mr.Chirag Sarawagi and Mr.Shubham Shah i/by Mr.Tushar Goradia, Advocate for the Defendants no.1, 8 and 9A.

Mr.Anukul Seth a/w. Mr.Twinkle K., Advocate for the Defendants no.5-7.

Mr.Prathamesh Kamat u/by Neuty Thakkar, Advocate for the Defendant no.10.

Mr.Deepak Shah, Plaintiff present in Court.

CORAM : ABHAY AHUJA, J.

DATE : 7th APRIL 2026

P.C. :

1. Pursuant to earlier orders of this Court, today when the matter is called out and after the matter is heard for some time, the learned

Counsel and the learned Senior Counsel for the parties submit that the Interim Application can be disposed of in terms of the order that any third party rights that may be created by the Defendants as well as the purchasers of the flats in the Suit property being Survey No.120, Hissa No.14, corresponding CTS No.1813, forming part of Town Planning Scheme of Vile Parle -V and identified as original Plot No.329 having corresponding Final Plot No.348 of TPS – V of Vile Parle (East), admeasuring 766.67 sq.meters, situated at Nanda Patkar Road, Behind Telephone Exchange, Vile Parle (East), Mumbai – 400057, shall be subject to the outcome of the final judgment and order that may be passed by this Court in the Suit and that the Defendants will inform the third parties including the flat purchasers of this order in writing.

2. The Interim Application is accordingly disposed of in terms of the aforesaid understanding.

3. The order of restraint granted vide order dated 22nd December 2025 and continued by subsequent orders to accordingly stand vacated.

SUIT NO.684 OF 2013

4. Let the Defendant no.10 file and serve written statement within a period of thirty days. Let the other Defendants file and serve additional written statement within a period of thirty days.

5. List for framing of additional issues on **23rd June 2026**.
6. Let draft issues be exchanged in advance.

(ABHAY AHUJA, J.)

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VILAS
KHATATE

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by ARTI VILAS
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