

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

INTERIM APPLICATION NO. 437 OF 2026

IN

SUIT NO. 523 OF 2017

Mangesh Tukaram Sawant

...Applicant

In the matter between:

Prathamesh Pooja Co-Op. Hsg. Soc. Ltd.

...Plaintiff

Versus

Municipal Corp. of Greater Mumbai & Ors.

...Defendants

Ms. Rishika Mehra a/w Mr. Sachin Mhatre and Ms. Diksha Shirodkar, for the Applicant.

Mr. Annuj N. Narula i/b M/s. Jhangiani Narula & Associates, for the Plaintiff.

Ms. Apurva Dalal, for Defendant Nos.1 and 2 (BMC).

CORAM : ARIF S. DOCTOR, J.

DATE : 27th JANUARY, 2026

P.C.

1. The captioned Interim Application seeks the following substantive reliefs:

- "a. That pending the hearing and final disposal of the present Application, this Hon'ble Court be pleased to direct the Hon'ble Prothonotary and Senior Master to forthwith return the passport of the Applicant/Original Defendant No.4, Mr. Mangesh Tukaram Sawant from it's custody;
- b. That pending the hearing and final disposal of the present Application, this Hon'ble Court be pleased to order and direct the Advocate for Plaintiff No.1 Society to release the balance escrow amount including the interest accrued on it in favour of the Applicant."

2. Insofar as prayer clause (a) is concerned, Mr. Narula, learned counsel appearing on behalf of the Plaintiff submits that the Plaintiff does not have any objection to the prayer clause being granted. The Plaintiff has already issued a

detailed letter dated 24th December 2025, to the Advocates for the Applicant stating as follows:

"To,
Mr. Sachin Mhatre
Mhatre Law Associates
Chamber No. 1, Mhatre Cross Lane,
Dattapada, Borivali (East).
Mumbai 400 066.

Subject: Reply to request for issuance of No Objection for release of passport of Mr. Mangesh Sawant.

*Ref: IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT NO. 523 OF 2017*

Prathamesh Pooja CHSL and Ors.

...Plaintiffs

Versus

MCOM and Ors.

....Defendants

Respected Sir,

We acknowledge receipt of your letter seeking issuance of a No Objection in respect of the release of the passport of your client, Mr. Mangesh Sawant, in the above-referred proceedings.

Without prejudice to the rights, remedies, and contentions of the Society, and without expressing any opinion on the issue of compliance, the Society states that, despite having received only a part Occupation Certificate, it has no objection to the consideration of the request for release of the passport of Mr. Mangesh Sawant.

Thanking you.

Yours faithfully,"

3. In light of the aforesaid, prayer clause (a) can be allowed on the assurance that on return to India, the passport shall be resubmitted.

4. Given that a part Occupation Certificate has been granted, learned counsel for the Plaintiff very fairly submits that moving forward, the requirement for deposit of the passport would not be required.

5. Insofar as prayer clause (b) is concerned, he, however, submits that the Plaintiff-Society would need time to give its say. He prays for and is granted two weeks' time to file rejoinder.
6. The Interim Application is allowed in terms of prayer clause (a).
7. Stand over to **10th March 2026** for further consideration.

[ARIF S. DOCTOR, J.]