

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

INTERIM APPLICATION NO. 852 OF 2026
IN
SUIT NO. 309 OF 2024

Meher Khurana & Anr. ... Applicants

In the matter between

Meher Khurana & Anr. ... Plaintiffs

V/s.

Harshvarshan Vasudeva ... Defendant

WITH
INTERIM APPLICATION NO. 130 OF 2025
IN
SUIT NO. 309 OF 2024

Meher Khurana & Anr. ... Applicants

V/s.

Harshvarshan Vasudeva ... Respondent

WITH
INTERIM APPLICATION NO. 4046 OF 2025
IN
SUIT NO. 309 OF 2024

Harshvarshan Vasudeva ... Applicants

V/s.

Meher Khurana & Anr. ... Respondents

Mr. Rohit Nagpal with Ms. Siddhi Chavan, i/b M. P. Savla & Co., for the Plaintiffs/Applicants in IA/852/2026.

Mr. Akshay Kamble with Ms. Neha Patil, i/b Vivaka Partners, for the Defendant.

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CORAM : FARHAN P DUBASH, J.

DATE : 7th APRIL 2026

P. C.:

INTERIM APPLICATION NO. 852 OF 2026

1. The present Interim Application seeks an injunction against the Defendant, restraining him from acting upon or proceeding further with his application for nominee membership in respect of the residential property viz., Flat no. 72, situated in Trishul Apartment, Bandra (West), Mumbai (**the said Flat**) during the pendency of the Suit. The present Interim Application is premised on the fact that by an order dated 4th April 2025, this Court had recorded the statement made by the Defendant that, insofar as the said Flat is concerned where the Defendant resides, the Defendant would not in any manner deal with and/or encumber the same pending the hearing and final disposal of the Interim Application. The Plaintiffs contend that, after this order was passed, the Defendant has made an application before the Society seeking to enter his name as a member of the Society on the basis of a nomination form that was stated to be signed by his deceased father.

2. Mr. Rohit Nagpal, learned Counsel who appears on behalf of the Applicants, submits that by making this application and proceeding further with the same, the Defendant has breached the said order dated 4th April 2025.

3. After hearing the parties, this Court is of the opinion that the

present Interim Application lacks merits inasmuch as, by merely making such an application, the order dated 4th April 2025 has not been violated. No third-party rights are created in the said Flat, nor can the Defendant be said to be dealing with the said Flat by merely filing the nomination that is stated to have been made by his deceased father in his favour. Needless to state that all steps taken by the Defendant and any actions by the Society pursuant thereto, including *inter alia* appointing the Defendant as a member of the Society in respect of the said Flat, shall be subject to the outcome of the present Suit.

4. Parties state that the building in which the said Flat is situated is likely to go in for redevelopment. Accordingly, Mr. Nagpal, states that the Defendant should not be alone entitled to keep the benefits of such redevelopment. However, since the benefits are not crystallized at this stage, this Court is of the view that, prior to any agreement/document/consent being given by the Defendant towards redevelopment, the Defendant shall make an appropriate application to that effect before this Court, by serving a copy on the Plaintiffs and seek leave of this Court in that regard.

5. The present Interim Application is disposed of in terms of the above order. There shall be no order as to costs.

6. The ad-interim order passed on 4th April 2025 which records the statement of the Defendant in paragraph no. 2 shall continue to operate till

pending the hearing and final disposal of the Suit.

Amol

(FARHAN P. DUBASH, J.)