



Order below, exh. 5 in RCS 36/2026

(Passed on 09/03/2026)

(CNR No.MHSI06000-286-2026)

**Ankit Vastu Creation Pvt Ltd through
Manager Mr Khalid Habib Shaikh**

v/s

Mahesh Suhas Padalkar and anothers

A suit has been filed to declare the development deed executed in favour of the defendants company by the owners of the suit properties is null and void, seeking consequential reliefs. Today, Ld. Advocate Shri. S. H. Khwaja appeared before the court to request an urgent ad-interim injunction against the defendants.

2. He strongly asserted that the original owner of the suit properties executed a development deed on January 30, 2018, through the director of M/S Ankit Vastu Creation Pvt. Ltd., Mr. Sanjay Dattaray Borude. Additionally, an irrevocable power of attorney was granted in favour of the company by the aforementioned director. Consequently, the properties were handed over to the company along with development rights by the property owners. The layout and construction plans were currently in progress.

3. Meanwhile, Mr. Sanjay Borude submitted his resignation on February 24, 2024, and another director, Mr. Mahesh Suhas Padalkar, also resigned on the same date. Their resignations were acknowledged by the Ministry of Corporate Affairs on February 24, 2024, and they are now designated partners of RPS New Goa LLP, effective March 13, 2024.

4. In this situation, despite resigning from his position at the plaintiff's company, Sanjay Borude entered into an

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agreement with the original owners of the properties on April 26, 2024, regarding the cancellation of a development deed previously executed with M/S Ankit Vastu Creation Pvt. Ltd., pretending to still be an active director of that company. He also cancelled an irrevocable power of attorney that had been granted by the owners in favour of the company. Sanjay did not inform the plaintiff's company of these actions. Furthermore, he entered into a separate development agreement with the owners through M/S RPS New LLP on April 10, 2024. By taking advantage of these false documents, they are obstructing the plaintiff's possession of the suit properties.

5. He further stated that investors are already involved in the development of the property and that the company is responsible for these investors. Some of them have also issued notices to the company. If the defendant were to dispossess the plaintiff company of the property in question, it would result in irreparable loss that cannot be adequately compensated in monetary terms.

6. Heard Ld. Advocate for the plaintiff at length.

7. Perused all documents on record.

8. There are documents produced on record, related to a development deed executed in favour of the plaintiff company in the year 2018. After careful examination of these documents, it appears that, Mr. Sanjay Borude, who resigned from the plaintiff company on 24/02/2024, joined another company on 13/03/2024. He cancelled the deed of execution on behalf of the plaintiff company on 26/04/2024, despite not being an authorised signatory for the plaintiff company at that time. There is prima facie suspicion regarding the contrary and adverse interest of Defendants. Additionally, another director, Padalkar, who also resigned from the plaintiff company, joined

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Defendant on the same date. They subsequently executed a development deed concerning the same properties for their new company.

9. Considering all these circumstances, it is clear that court intervention is necessary at this interim stage. The defendants' execution of the development deed, along with the property owners, poses a serious threat to the plaintiff company's possession. Therefore, it is essential to address the conduct of the defendants to ensure a fair decision in the suit and to uphold the principles of natural justice. Consequently, I pass the following order.

:-ORDER:-

1. Defendants are hereby restrained from causing any obstruction to the possession of the plaintiffs company over the suit properties, more particularly described in the plaint, till their appearance and filing their say R/o 25/03/2026.
2. They are further restrained from changing the nature of the property and from alienation of the property till their appearance and filing their say.
3. Plaintiff to comply with the mandates of Order XXXIX Rule 3 (b) of the Code of Civil Procedure, 1908.
4. Plaintiff to report of compliance with the affidavit within three days from the date of this order. On failure to report and affidavit, order will stand vacated.
5. PE and SB is allowed if prayed.

Date:09/03/2026

Place: Kudal.


R.G.Kumbhar

Extra Jt.Civil Judge J.D.Kudal.