

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.121 OF 2025

Anil Prabhakar Rao Ramdasi .. Appellant
Versus
M/s. Vini Developers and Others .. Respondents

WITH
APPEAL FROM ORDER NO.122 OF 2025

Ashok Kade (since deceased) through legal heirs
Shakuntala Ashok Kade and Others .. Appellants
Versus
M/s. Vini Developers and Others .. Respondents

WITH
APPEAL FROM ORDER NO.125 OF 2025

Ramesh D. Devrukhkar .. Appellant
Versus
M/s. Vini Developers and Others .. Respondents

WITH
APPEAL FROM ORDER NO.126 OF 2025

Anita S. Deshmukh .. Appellant
Versus
M/s. Vini Developers and Others .. Respondents

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- Mr. S. P. Ramdasi, Advocate for Appellant in all Appeals from Orders.
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CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 29, 2026

P.C.:

1. Heard Mr. Ramdasi, learned Advocate for Appellants who has persuaded the Court to take up matter at time of rising. In view of exigency mentioned by him, matters are taken up for hearing.

2. This is group of four matters which are Appeals from Orders listed at serial Nos.50 to 53 on today's board. Respondent No.1 in the matter is Developer called M/s. Viny Developers. Long Cause Suits have been filed before the Trial Court in the year 2016 by Appellants before me. It appears that Exhibit – 5 Notice of Motion has been decided by the impugned orders passed in the year 2024. Case of Appellants before me is that they are entitled to redevelop flat premises and additional area after redevelopment. According to them they had paid part amount towards cost of additional area rather Mr. Ramdasi would submit that they have paid the entire amount for the additional area.

3. Be that as it may, this aspect will have to be confirmed and clarified by the Developer / Respondent.

4. Considering the timeline in the present matter, where for the past 10 years the Appellants are out of their premises and the fact that Developer has not been paying transit rent to them for the last 8 years, Mr. Ramdasi has made a plea to the Court to step in.

5. At his instance, I have perused the record of the case. It is seen that construction of the new building is already completed one year back and OC has already been received. Mr. Ramdasi would submit that despite this, Agreement for the new premises has not been executed and possession has not been given. This may probably be

due to Appellants not paying for the additional area or pendency of the Suits before the Trial Court.

6. Be that as it may, once the substantive right of Appellants before me for the redeveloped flat and possession is shown, there can be no impediment save and except to settle the claims of rival parties i.e. Appellant and Developer. On the one hand before me Appellants would be entitled for transit rent for the last 8 years and on the other hand Developer would be entitled to, if any, amount for the additional area, if it is outstanding.

7. Be that as it may, an arguable case is made out by Mr. Ramdasi for issuance of notice to Developer. Undoubtedly, the Developer will have to be heard.

8. Though Appeals from Orders have been filed in January – 2025, it is unfortunate that it has seen light of the day today. It is only because on the request made by Mr. Ramdasi in the Court that I looked into the papers and realised it. These Appeals from Orders have been listed on several occasions in the past but have not reached hearing due to various reasons.

9. Be that as it may, in view of the above, issue notice to Respondent No.1 - Developer.

10. Humdast permitted. In addition to Court's notice, Appellants

in all Appeal from Order are directed to serve the Respondents a copy of this order and copy of Appeal from Order and inform about the next date of hearing by any permissible mode of service and file appropriate affidavit of service with tangible proof thereof.

11. Developer is directed to remain present either through himself or pleader in the Court and apprise the Court about the details of outstanding, if any, for the additional area from the Appellants.

12. That apart, Developer shall apprise the reasons for non payment of transit rent for past 8 years and status of the redeveloped premises.

13. Mr. Ramdasi informs the Court that Appellants have not filed any Interim Application but Developer is put to notice that he will also inform about status of the alternate premises to the Court on the next adjourned date.

14. Though Mr. Ramdasi would submit that Appeals from Orders have already been served, copy of this order be served on Respondents and Developer is directed to remain present on the next adjourned date.

15. By Developer this Court means any authorised representative or partner or Director of Developer, as applicable.

16. Leave to file compilation of documents is granted to Mr. Ramdasi, which shall be served on the Respondents.

17. All Appeals from Orders be listed on **12th February, 2026**.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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