

Ajay

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**APPEAL FROM ORDER (ST) NO. 4765 OF 2026
WITH
INTERIM APPLICATION (ST) NO. 4767 OF 2026
IN
APPEAL FROM ORDER (ST) NO. 4765 OF 2026**

Anantama S. Nair (Widow) of Subramanyam S. Nair (Since Deceased) and Ors. Appellants /
Applicants / Orig.
.. Plaintiffs

Versus

Kala R. Nair (Widow) of Radhakrishna S. Nair (Since Deceased) and Ors. Respondents /
.. Orig. Defendants

-
• Mr. Bilal A. Motorwala, Advocate for Appellants / Applicants.

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CORAM : MILIND N. JADHAV, J.

DATE : MAY 08, 2026.

P.C.:

- 1.** Not on Board. Mentioned by way of filing praecipe dated 08.05.2026. Perused the praecipe.
- 2.** Heard Mr. Motorwala, learned Advocate for Appellants.
- 3.** This is a case which is mentioned by the learned Advocate on the basis of the timeline in the present matter. The Suit is filed in the year 2016. Notice of Motion is filed in the year 2017. Interim order is passed in that Notice of Motion in the year 2021 i.e. 22.12.2021. All along parties are negotiating with each other and now in 2026 the objection is taken by the Defendants.

4. Advocate for Plaintiffs informs the Court that Defendant Nos.4 and 6 have reconciled their dispute and *lis* and filed Consent Terms whereas Defendant Nos.1, 2 and 3 and Defendant No.5 who is the Developer are now objecting and taking steps for appointment of the Court Commissioner.

5. Being aggrieved that further steps being taken, the present Appeal From Order and Interim Application are filed.

6. After hearing Mr. Motorwala, learned Advocate for Appellants and considering the aforesaid timeline, the impugned order dated 22.12.2021 stands stayed.

7. Hence, issue notice to Respondents. Humdast permitted.

8. In addition to Court notice, Applicants are permitted to serve copy of Appeal From Order, Interim Application and this order on Respondents and inform them about the next date of hearing by any permissible mode of service and file appropriate Affidavit of service with tangible proof thereof on or before the next date.

9. After receiving notice, Respondents are directed to take cognizance of this order and file their Affidavit-in-Reply within a period of four weeks from today. Copy of the same shall be served on the other side in advance.

10. Rejoinder, if any, to be filed within two weeks thereafter.

11. Stand over to 3rd July 2026.

[MILIND N. JADHAV, J.]

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by AJAY
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