

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 306 OF 2026
WITH
INTERIM APPLICATION NO. 2131 OF 2026
IN
APPEAL FROM ORDER NO. 306 OF 2026

Bobby Mukherjee and Anr.

.. Appellants

Versus

Satinder Singh Bachher and Ors.

.. Respondents

.....

- Mr. Aadil Parsurampur a/w. Mr. Rohit Jadhav and Ms. Aishwarya Bapat, Advocates i/by Vis Legis Law Practice for Appellants / Applicants.
- Mr. Sean Wassoodew a/w. Ms. Ashna Shah, Advocates for Respondent Nos.1 and 2.
- Mr. Dinesh Parmar, Advocate for Respondent No.4.

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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 27, 2026.

P.C.:

1. Heard Mr. Parsurampur, learned Advocate for Appellants / Applicants; Mr. Wassoodew, learned Advocate for Respondent Nos.1 and Mr. Parmar, learned Advocate for Respondent No.4.

2. The present Appeal From Order challenges an order dated 9th February 2026 passed by the learned City Civil Court at Greater Mumbai in Notice of Motion No.3359 of 2024 ordering and directing as under:-

- (i) Notice of Motion No.3359 of 2024 in Suit No.4987 of 2007 is partly allowed;

- (ii) Defendant Nos.3 and 4 are directed not to handover physical possession and/or keys of flat Nos.132 and 133 on the 13th Floor, 'C' Wing, allotted in lieu of suit flat No. B-79/778, to Defendant Nos.1 and 2 until further orders;
- (iii) Defendant No.4 shall deposit the keys of the said flats with the Registry of this Court within four weeks from the date the possession is offered / ready and shall file compliance report;
- (iv) Defendant No.3 Society is restrained from paying over the corpus amount to Defendant Nos.1 and 2 and is directed to deposit the corpus amounts pertaining to the suit flat with the Registry of this Court within four weeks from the date the same becomes payable/releasable;
- (v) Defendant Nos.1 and 2 are restrained from in any manner selling, alienating, transferring, assigning, letting, leasing, encumbering or creating any third-party rights in respect of the said flats allotted in lieu of suit flat No. B-79/778, until further orders;
- (vi) Prayer for appointment of Court Receiver is refused at this stage;

(vii) Costs in cause;

(viii) Notice of Motion No.3359 of 2024 in Suit No.4987 of 2007 is disposed of accordingly.

3. After hearing the parties for some time, the impugned order dated 9th February 2026 is modified as under with the consent of both the parties:-

- a. Respondent Nos.3 and 4 shall hand over possession of the New Flat Nos.132 and 133 to the Appellants herein and pay over the pending rental under the redevelopment to the Appellants herein;
- b. So far as corpus amounts under clause 19(g) of the agreement are concerned, the same shall be paid to the Society subject to the outcome of the Suit;
- c. It is clarified that the handing over of the New Flats and the payment of the rental amounts and other monetary benefits does not in any manner affect the rights of the parties in the Suit and the same is subject to the outcome of the Suit;
- d. As far as operative clause (v) of the impugned order dated 9th February 2026 is concerned, the same shall remain unaltered.

4. It is mutually agreed between the parties that the following additional issue is framed in the Suit:-

- i. Whether the Plaintiffs prove that Plaintiffs are entitled to the Corpus payable in respect of the suit flat/New Flats?

5. All issues between Appellants and Respondents including of possession of the new flats and claim over monetary benefits on account of the redevelopment shall be decided by the learned City Civil Court in Suit No.4987 of 2007.

6. Given the Suit is pending since almost 19 years, hearing of Suit No.4987 of 2007 stands expedited and the learned City Civil Court is requested to dispose of the same as expeditiously as possible and in any case within 4 months from receipt of this order.

7. The parties shall cooperate to ensure that the aforementioned time-limit is strictly adhered to and shall not seek adjournment unless absolutely necessary.

8. Appeal From Order stands disposed in the above terms.

9. Pending Interim Application No.2131 of 2026 does not survive and stands disposed.

[MILIND N. JADHAV, J.]

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