

HARSHADA H. SAWANT  
(P.A.)

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

**APPEAL FROM ORDER (ST) NO.5596 OF 2026**

Purnima Kirit Botadra and Anr.

.. Appellants

**Versus**

Hasmukh Meghji Mota and Ors.

.. Respondents

- .....
- Mr. Viraj Parikh, Advocate i/by Mr. Dharmesh S. Jain for Appellants.
- .....

**CORAM : MILIND N. JADHAV, J.**

**DATE : MARCH 26, 2026**

**P.C.:**

- 1.** Not on Board. Mentioned by way of filing praecipe dated 26.03.2026. Perused the praecipe.
- 2.** Heard Mr. Parikh, learned Advocate for Appellants.
- 3.** After perusing the impugned order dated 30.01.2026 in Notice of Motion No.1079 of 2025 and the facts brought to my notice by Mr. Parikh as also passage of substantial time, the only request made to the Court is to hear the present Appeal from Order expeditiously in order to ameliorate and redress the grievances of the Plaintiff. The facts are narrated in the impugned order and for brevity are not reiterated herein. Though Court Receiver was appointed by this Court as far back as in the year 2021 the matter was subsequently transferred to City Civil Court which finally decided the Notice of Motion by vacating the interim relief of Court Receiver which was

granted by this Court.

**4.** In view of the peculiar facts and circumstances of the present case, there are two issues which *prima facie* appeal to the Court for an early rather expeditious hearing of the present matter.

**5.** According to Mr. Parikh, Plaintiff was allotted the suit flat by virtue of a registered Agreement acknowledged and confirmed by the Real Estate (Regulation and Development) Act, 2016 (for short '**RERA**') order and was put in possession. However on 28.10.2020, Plaintiff was dispossessed forcibly by Defendants. The second issue which appeals to the Court is the act of dispossession which has been captured in the CCTV of the Society and Secretary of Society has filed an appropriate Affidavit with regard to the commission of the said act by Defendants.

**6.** Request is made to the Court that by virtue of the impugned order injunction for not creating third party right is continued.

**7.** Mr. Parikh would submit that the order passed by RERA Tribunal is rendered completely futile and therefore urges the Court to take up hearing of the present Appeal from Order.

**8.** An arguable case has been made out for immediate hearing of the present case.

**9.** Hence, issue notice to Respondents.

**10.** Humdast permitted. In addition to Court's notice, Appellant is directed to serve the Respondents a copy of this order, Appeal from Order and Interim Application forthwith 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.** This Court proposes to hear present Appeal from Order finally on the next adjourned date.

**12.** Respondents are directed to remain present either through themselves, online or through their pleader.

**13.** In the meanwhile, no steps shall be taken in furtherance of the impugned order without the leave of the Court by the Court Reciever.

**14.** All concerned to act on server copy of this order.

**15.** Stand over to **02<sup>nd</sup> April 2026**. To be placed under the caption '**For Directions**'.

H. H. SAWANT

[ MILIND N. JADHAV, J. ]

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