

HARSHADA H. SAWANT  
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION (ST.) NO.9187 OF 2026  
IN  
APPEAL FROM ORDER (ST.) NO.9185 OF 2026

Ashok Dhanraj Chordia and Ors. .. Applicants  
**IN THE MATTER BETWEEN:**  
Ashok Dhanraj Chordia and Ors. .. Appellants  
**Versus**  
Chaitrali Mahadeo Dhole and Ors. .. Respondents

- .....
- Dr. Birendra Saraf, Senior Advocate a/w. Mr. Janay Jain, Ms. Monisha Mane Bhangale, Mr. Bijal Vora, Mr. P. R. Hariharan, Advocates i/by Parinam Law Associates for Applicants / Appellants.
- .....

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

**DATE : APRIL 01, 2026**

**P.C.:**

- 1.** Not on Board. Mentioned by way of filing praecipe dated 01.04.2026. Perused the praecipe.
- 2.** Heard Mr. Saraf, learned Senior Advocate for Applicants / Appellants.
- 3.** The order which is impugned dated 18.03.2026 in the present Appeal from Order is appended at page No.397 to the Appeal from Order passed under Application below Exhibit-5 on the *ex parte* ad-interim Application having been made by the Plaintiffs. Plaintiffs have filed a suit for partition, separate possession, permanent injunction and declaration that the sale deed executed by karta of family of Plaintiffs with Defendants is not binding. Admittedly when

the said sale deed was executed, Plaintiff was minor.

**4.** Be that as it may, the issue which appeals to the Court is the fact that some of the Defendants have already developed the substantive property and constructed 1300 flats and further construction is undergoing.

**5.** In that view of the matter, such an *ex parte* temporary injunction order restraining Defendants from creating third party rights without hearing them is not correct course of action in my opinion. It would have been appropriate to have heard the Defendants and thereafter the order could have been passed.

**6.** It is observed that the Suit is filed 30 years after the Agreement was executed and registered in the years 1994 -1995 for which prayer is sought that the said Agreement is not binding on the Plaintiff.

**7.** In that view of the matter, the order dated 18.03.2026 stands immediately stayed as on the face of record after reading the same on the aforesaid ground which is noted by the Court.

**8.** This Court is inclined to remand the Exhibit-5 Application for fresh hearing, subject to hearing the Plaintiffs.

**9.** This Court is also seized of the fact that Plaintiffs have impleaded more than 150 Defendants.

**10.** Be that as it may, in so far as the present Appeal from Order is concerned, notice shall be issued only to Plaintiff who is Defendant No.1 herein.

**11.** Hence, issue notice to Respondent No.1.

**12.** Humdast permitted. In addition to Court's notice, Applicants / Appellants are directed to serve the Respondent No.1 copy of this order and Appeal from Order and Interim Application and inform about the next date of hearing by any permissible mode of service and file appropriate affidavit of service with tangible proof thereof.

**13.** Respondent No.1 shall enter appearance and apprise the Court on the next adjourned date through her Advocate.

**14.** Affidavit-in-Reply be filed before the next date if so desired.

**15.** Stand over to **16<sup>th</sup> April 2026**.

**16.** Praecipe is disposed.

H. H. SAWANT

[ MILIND N. JADHAV, J. ]

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