

Amberkar

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

**APPEAL FROM ORDER NO. 254 OF 2025
WITH
INTERIM APPLICATION NO. 7651 OF 2025**

Bakelite Hylam Limited & Ors. .. Appellants

Versus

M/s. Dattani Construction & Ors. .. Respondents

.....

- Mr. Rishikesh Soni a/w Mr. Santosh A. Jadhav, Advocates for Respondent No. 1
- Mr. Kaustubh Patil, Advocate for Appellants

.....

CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 25, 2026

P. C.:

1. Not on board. Mentioned by way of filing a praecipe dated 25.02.2026.
2. Heard Mr. Soni, learned Advocate for Respondent No. 1 and Mr. Patil, learned Advocate for Appellants.
3. Praecipe is filed by Respondent No. 1 i.e. Org. Defendant No. 1 - Developer. Fortunately Mr. Patil appears on behalf of Appellants - Plaintiffs on notice. It is seen that impugned order dated 11.04.2025 (appended at Exh. 'A' page Nos. 11-14 of AO) is an ad-interim order. Directions were given to the parties to complete the pleadings in that order and the submissions made by learned Advocate for Defendant No. 1 across the Bar of having created third party interest was

recorded therein. However when the matter travelled to this Court against the aforesaid order on 28.04.2025, statement is recorded by this Court (Coram : Gauri Godse, J.) of Defendant No. 1 that he will not create third party rights with reference to Development Rights Certificate ("DRC"). Matter has thereafter not reached hearing.

4. When the matter is mentioned today by Mr. Soni, both the learned Advocates are *ad idem* that since the impugned order itself is an *ad-interim* order, it would be appropriate if learned Trial Court hears and decides the pending Notice of Motion and passes a final order. That would be in my opinion the appropriate course of action rather than this Court expressing its imprimatur. Hence, it would be appropriate in the interest of justice if the Notice of Motion is heard forthwith.

5. Both the learned Advocates for the parties are *ad idem* and consent to the passing of this order. Needless to state that *ad-interim* order which was passed by this Court on 28.04.2025 shall stand continue until disposal of Notice of Motion and learned Trial Court thereafter gives its imprimatur in accordance with law depending upon the outcome of the same. If the parties desire to complete any pleadings, same shall be done by the parties within a period of two weeks from today without recourse to any Court's order in any of the interlocutory proceedings before the learned Trial Court. Learned

Trial Court shall thereafter hear the Notice of Motion and dispose of the same in accordance with law after hearing both the parties within a period of four weeks thereafter.

6. All contentions of both the parties are expressly kept open.
7. Appeal from Order is disposed. Interim Application is also disposed.

Amberkar

[MILIND N. JADHAV, J.]

Digitally signed
by RAVINDRA
MOHAN
AMBERKAR
Date:
2026.02.25
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