



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER (ST.) NO.13697 OF 2026
WITH
INTERIM APPLICATION (ST.) NO.13698 OF 2026

Deepak Vinay Kamat .. Appellant

Versus

Rajashri Sadashiv Rege Nee Rajashri Vinayak
Kamat and Ors. .. Respondents

-
- Mr. Atul Damle, Senior Advocate a/w. Mr. Rupesh Lanjekar,
Advocate for Appellant.

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CORAM : MILIND N. JADHAV, J.

DATE : MAY 07, 2026

P.C.:

- 1.** Not on Board. Mentioned by way of filing praecipe dated 07.05.2026. Perused the praecipe.
- 2.** Heard Mr. Damle, learned Senior Advocate for Appellant.
- 3.** The impugned order dated 02.05.2026 in the present case is appended at Exhibit-A, page No.25 to the Interim Application. It is ad-interim order. No purpose will be served in keeping present proceedings pending in this Court considering that impugned order passed by learned Trial Court has given direction to the parties to complete their pleadings.
- 4.** *Prima facie*, the Plaintiff whose name is Deepak has been able to show to me his substantive right to reside in the suit flat to the



exclusion of Defendant No.1 who is his sister on the basis of Will of the mother, copy of which is appended at page No.51 of the additional compilation of document which is filed before me.

5. The Will of one Mrs. Sunanda Vinayak Kamat alias Sunanda Vinayak Kamath who is mother of Plaintiff and Defendant No.1 in unnumbered paragraph No.3 on page No.1 *prima facie* states that Deepak will have a right to reside in the suit flat during his lifetime but the flat is otherwise bequeathed to Defendant No.1.

6. In that view of the matter considering the impugned order dated 02.05.2026 which is an ad-interim order and which does not take into consideration the above facts as also proximity and relationship of the parties, *inter alia*, reading the suit flat, learned Trial Court is directed by this Court to look into the above issues as also all issues raised by both parties and pass appropriate reasoned / speaking order after pleadings are completed and dispose fo the Motion finally.

7. In that view of the matter, direction which records that ad-interim relief is rejected stands deleted from the impugned order. Rest of the order remains same and is upheld.

8. Needless to state that Defendants shall file Affidavit-in-Reply within a period of four weeks from today before Trial Court. Affidavit-in-Rejoinder, if any be filed within a period of two weeks thereafter before learned Trial Court. Trial Court to accept the pleadings.



9. Copy of this order, Appeal from Order, Interim Application alongwith additional compilation shall be served on Defendants by Advocate for Plaintiff who is Appellant before me for their information.

10. It is clarified that this Court has not given any imprimatur on merits of the matter *qua* substantive rights and observations of both parties and above observations are *prima facie* observations on the basis of documents shown to the Court by Mr. Damle, learned Senior Advocate.

11. Trial Court shall decide the Notice of Motion for interim relief between the parties on its own merits and strictly in accordance with law and after hearing both parties, a speaking order will be passed.

12. With the above directions, Appeal from Order is partially allowed and disposed. In view of disposal of Appeal from Order, pending Interim Application is also disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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