

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.14382 OF 2024  
WITH  
INTERIM APPLICATION NO.14383 OF 2024  
IN  
FIRST APPEAL (ST) NO.14807 OF 2024

Hiranandani Investment Pvt. Ltd. ...Applicant

**In the matter between:-**

Hiranandani Investment Pvt. Ltd. ...Appellant

V/s.

Shri.Sadashiv Laxman Bhandari and Ors. ...Respondents

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Mr.Aditya A. Joshi:-	Advocate for Applicant/Appellant.
Mr.Umesh R. Vishwakarma i/b. Mr.Ashutosh L. Shukla:-	Advocate for Respondent Nos.1 and 2.
Ms.Gulnar Khan i/b. Mr.M.K. Guha:-	Advocate for Respondent Nos.5 and 6.

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CORAM : S. M. MODAK, J.

DATE : 7<sup>th</sup> OCTOBER 2025

**P. C. :-**

1. Heard learned Advocate for the Applicant / Defendant No.22 and learned Advocate for Respondent Nos.1 and 2 / Original Plaintiffs. Also heard learned Advocate for the Respondent Nos.5 and 6 / Defendant Nos.3 and 4.

2. The Court of City Civil as per the judgment dated 23<sup>rd</sup> October 2023 restrained the Defendant Nos.20 to 22 from taking forceful possession of the Plaintiffs over the suit land without following the due process of law. Now the present Applicant is the Defendant No.22. Immediately he has not applied for certified copy but he applied on 22<sup>nd</sup> March 2024. After receiving copy on 26<sup>th</sup> March 2024 he has preferred an Appeal. The affirmation is on 17<sup>th</sup> April 2024.

3. Even though it is true that there are other Respondents also whereas suit is decreed only against the Defendant Nos.20 to 22. As such, only the original Plaintiffs / Respondent Nos.1 and 2 are the contesting parties in this Application. They have filed Affidavit-in-Reply.

4. There is opposition on two grounds. First, the authorization by the company thereby authorizing the Applicant is not annexed and second, the delay is not properly explained. During the arguments, the learned Advocate for the Applicant has tendered copy of resolution passed in the meeting dated 11<sup>th</sup> April 2024 having necessary authorization. Copy is also supplied to other side. It is true it ought to have been filed along with the Application. This is not such kind of lacuna due to which condonation can be denied. Whatever the reasons

are there, they are quoted in paragraph No.5 of the Application. I am satisfied with the reasons. Hence the following order:-

**ORDER**

- (i) The Interim Application No.14382 of 2024 is allowed in terms of prayer clause (A). It is disposed of.

**FIRST APPEAL (ST) NO.14807 OF 2024**

1. Issue notice to the Respondents. Learned Advocate for Respondent Nos.1 and 2 waives notice. He is directed to file Vakalatnama or note of appearance in the proceedings of the Appeal. The Appellant is at liberty to file compilation of documents. The Respondents are at liberty to file Affidavit-in-Reply to the Interim Application.
2. **Admit the Appeal.**
3. **Call Record and Proceeding.**
4. Stand over to **19<sup>th</sup> November 2025.**

[S. M. MODAK, J.]