

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.518 OF 2025

M/s. Pratham Infra Developers (Mumbai)

.. Appellant

Versus

M/s. Dhanvika Realty LLP & Ors.

.. Respondents

.....

- Mr. Siddesh Bhole a/w. Mr. Faizan Shaikh and Mr. Ashwin Pimpale, Advocates i/by Shreyas Vyas for Appellant.

.....

CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 09, 2026

P.C.:

1. Not on Board. Mentioned by way of filing praecipe dated 09.02.2026. Perused the praecipe.

2. Heard Mr. Bhole, learned Advocate for Appellant.

3. There is restraint order passed in Suit filed by Respondents in the present Appeal from Order. Mr. Bhole refers to and relies upon order dated 08.01.2026 passed by the City Survey Officer, Borivali specifically not demarcating 98 square meter portion alongwith map annexed thereto.

4. After reading page No.2 of the order, it is *prima facie* clear that though it is confirmed that area admeasuring 98 square meter was claimed to be part of the plot belonging to the Society comprised out of Survey No.257/1, the same is not specifically identified. However in the order which has been passed, the same stands identified as been

handed over to the Corporation for the purpose of gardening.

5. In view of the aforesaid dichotomy, the learned AGP appearing in the matter shall take appropriate instructions from concerned City Survey Officer with respect to the area admeasuring 98 square meter out of City Survey No.257/1 belonging to Defendant – Society.

6. Mr. Bhole would submit that Defendant – Society has gone for redevelopment but because of this dichotomy, the further plans of the Society are stalled due to restraint order passed by the learned Trial Court.

7. Developer is also called upon to apprise the Court on the next adjourned date.

8. Copy of this order shall be served upon learned AGP. Government Pleader shall ensure that a responsible AGP appears in the matter after taking appropriate instructions to apprise the Court about the identification of the area admeasuring 98 square meters in the City Survey report dated 08.01.2026.

9. Stand over to **26th February 2026**. To be listed under the caption '**For Direction**'.

H. H. SAWANT

[MILIND N. JADHAV, J.]