

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION (ST.) NO.34441 OF 2025
WITH
INTERIM APPLICATION (ST.) NO.34442 OF 2025
IN
APPEAL FROM ORDER (ST.) NO.34440 OF 2025

Madhubala Dinesh Prabhu

.. Appellant

Versus

Rajendr Kare and Ors.

.. Respondents

-
- Mr. Hamza Lakdawala, Advocate for Appellant.
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CORAM : MILIND N. JADHAV, J.

DATE : NOVEMBER 19, 2025

P.C.:

- 1.** Not on Board. Mentioned by way of filing praecipe dated 19.11.2025. Perused the praecipe.
- 2.** Heard Mr. Lakdawala, learned Advocate for Appellant.
- 3.** The grievance expressed by Appellant in Appeal from Order stems from the fact that the order of restraint dated 15.02.2020 was passed by this Court which in fact according to Mr. Lakdawala was never passed nor in existence.
- 4.** He would submit that partition suit after having been transferred from record of this Court to the City Civil Suit and Notice of Motion having been heard thereafter has taken cognizance of a false statement made by Defendant No.1 of a fictitious order having been

passed by this Court. According to him no such order exists. Defendant No.1 shall immediately take cognizance of this fact and answer the same on the next adjourned date.

5. Urgency and exigency expressed by Appellant is that Defendant No.5 – Society is on the verge of undergoing development and PAAA will be executed.

6. Though urgent ad-interim relief is sought by Mr. Lakdawala without hearing Defendant No.1 in the Interim Application filed for above purpose, I do not propose to pass any order.

7. The twin proceedings shall be served on all Defendants who are parties to the present proceeding within a period of one week from today.

8. In view of the above, issue notice to Respondents.

9. Humdast permitted. In addition to Court's notice, Appellant is directed to serve the Respondents a copy of this order and copy of Appeal from Order and inform about the next date of hearing by any permissible mode of service and file appropriate affidavit of service with tangible proof thereof.

10. Respondents are directed to file Affidavit-in-Reply, if so desired on or before the next adjourned date.

11. Copy of this order shall be served on all Defendants since

service of the proceedings has been completed.

12. Defendant No.5 – Society shall apprise the Court about status of redevelopment through its representative if possible on the next adjourned date.

13. Stand over to **04th December, 2025.**

14. Praecipe is disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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by HARSHADA
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