

Sumedh

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

**APPEAL FROM ORDER NO.920 OF 2024
WITH
INTERIM APPLICATION NO.15859 OF 2024**

Shirish Genubhau Kalate & Ors. ... Appellants
V/s.
Shriniwas Rainbow Developers & Ors. ... Respondents

Mr. Anilkumar Patil a/w. Adv. Sandeep S. Salunkhe for the Appellants.

Mr. V.P. Sawant, Senior Advocate a/w. Adv. Chetan Arvind Alai, Adv. Nikhil Patel, Adv. Rishab Chaurasia for Respondent Nos.1 to 3.

CORAM : KAMAL KHATA, J.

DATED : 27TH NOVEMBER 2025.

P.C. :

1. Mr. Sawant, Senior Counsel for Respondent Nos.1 to 3 seek measurement of the suit property, which may be carried out at their costs, without prejudice to the rights and contentions of the parties.

2. Mr Patil, Advocate for the Appellant on instructions opposes the request. He however has no objection if the Respondents make an appropriate application before the Trial Court. To this Mr. Sawant seeks a clarification that the pendency of this Appeal

SUMEDH
NAMDEO
SONAWANE

Digitally signed by
SUMEDH NAMDEO
SONAWANE
Date: 2025.11.29
12:40:43 +0530

should not be construed as an tool to oppose the relief sought before the Trial Court.

3. In view of the above apprehension, it is clarified that the pendency of this proceeding shall not be construed as an impediment for the Respondents making an application before the Trial Court for measurement of the suit properties. It is further clarified that all contentions of parties are kept open and the Trial Court shall decide the said application on its own merits.

4. The statement of the Respondents recorded in Order dated 19th December 2024 shall continue to operate until the next date.

5. List the matter on 6th January 2026.

(KAMAL KHATA, J.)