

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**ORDINARY ORIGINAL CIVIL JURISDICTION**  
**INTERIM APPLICATION (L) NO. 9079 OF 2020**  
**IN**  
**SUIT (L)NO. 7570 OF 2020**

Shilpa Hemant Pradhan and Anr. ... Applicants/Plaintiffs.

vs.

Kamla Landmarc Corporation and Ors. ... Respondents/Defendant

Mr. Darshil Jain i/b. Ms. Mansha Asim Bhatia for the Plaintiffs.

Mr. Farhan Dubash a/w. Mr. Nitesh Ranavat and Ms. Disha Shetty i/b.  
M/s. Wadia Ghandy & Co. for Defendant no. 6.

Mr. Suraj Iyer a/w. Mr. Rickin D i/b. M/s. Ganesh and Co. for Defendant  
no. 7.

Ms. Zain Mookhi a/w. Mr. Dhaval Mehta i/b. M/s. D. M. Legal Associates  
for Defendant no. 8.

**CORAM : A. K. MENON, J.**

**DATED : 24<sup>th</sup> FEBRUARY, 2021**

**P.C. :**

1. Called for ad-interim relief. The suit seeks a decree of specific performance in respect of an agreement said to have been arrived at in respect of the flat proposed to be constructed at Versova Village, Mumbai by defendant nos. 1 to 6.

2. Plaintiff does not claim under any registered agreement but claims under a writing dated 7<sup>th</sup> October, 2014 annexed at Exhibit -E,

said to have been handed over at a meeting held on 16<sup>th</sup> August, 2014 at the residence of plaintiff no.1. It is the plaintiffs' case the allotment letter dated 7<sup>th</sup> October, 2014 along with office copy was handed over to plaintiff no.1 and constituted attorney of plaintiff no.2. But it is case of the plaintiffs' that defendant no. 1 to 5 took back the allotment letter assuring the plaintiff that an agreement will be executed. The plaintiff therefore holds only an office copy of the allotment letter signed only by the plaintiff. . The signature of defendant no. 1 does not appear on this office copy. The plaintiff does not have the original of the said writing but only its counterpart.

3. Prima facie I am not satisfied that the allotment had taken place.
4. In the circumstances no case is made out for any ad-interim relief at this stage.
5. Reply to the motion to be filed within four weeks.
6. Rejoinder to be filed within four weeks.
7. List per CIS.

**(A. K. MENON, J.)**