

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO. 3411 OF 2025
IN
EXECUTION APPLICATION (L) NO. 19587 OF 2025

Jyotsna Ashok Vernekar & Ors.

...Applicants

V/s.

Aavishkar Concreal Pvt. Ltd. & Anr.

...Respondents

Mr. Asim Naphade with Mr. Shivaji Annappa Masal for the Applicants.
Mr. Deepak Y. Chitnis i/b Deepak Chitnis and Co. for the Respondent
No.1.

CORAM : ABHAY AHUJA, J.
DATE : 20th AUGUST 2025

PC. :

1. This Interim Application *inter alia* seeks a restraint on the Respondents from in any manner dealing with or disposing of the Applicants' entitlements to the redeveloped commercial building.

2. When the matter is called out, Mr. Naphade, learned Counsel appearing for the Applicants submits that despite an agreement in the consent terms dated 3rd October, 2019, which were taken on record on the same date in Arbitration Petition No. 1023 of 2016 with Chamber Summons No. No. 119 of 2019, the Respondents have not abided by the said consent terms and since despite several attempts to communicate with them, there has been no positive response but rather

an acrimonious exchange and therefore, there is, an apprehension that in respect of the rights of the Applicants, that the Respondents would create third party rights particularly when a sale agency also been appointed by the Respondents, this Court consider the Interim Application.

3. Mr. Chitnis, learned Counsel appears for the Respondents and submits that he has just been briefed in the matter and would need some time to take appropriate instructions and if necessary, to file reply and this Court may, therefore, grant some time.

4. While Mr. Naphade has no objection if some time is granted to Mr. Chitnis to file reply, Mr. Naphade is apprehends that considering that incommunicado conduct of the Respondents, the rights of the Applicants as per the consent terms may be dealt with, and therefore, submits that this Court may till the next date grant relief in terms of prayer Clause (c) of the Interim Application.

5. In support Mr. Naphade draws this Court's attention to paragraph 11 of the consent terms.

6. It is also observed that the Execution Application is on lodging number. Let objections be removed and registered number be obtained within a period of two weeks, failing which the Execution Application and consequently Interim Application to stand dismissed without further reference to the Court.

7. Subject to the above, let instructions be taken and if necessary, reply be filed within a period of two weeks, with copy to the others. Rejoinder in two weeks thereafter with copy to the others.

8. Also having perused the paragraph 11 of the consent terms and having considered the aforesaid apprehension expressed by Mr. Naphade, this Court is of the view that until the next date, relief in terms of prayer Clause(c) as under be granted:-

“(c) pending the hearing and final disposal of the execution proceedings the Respondents be restrained by an order of injunction from selling, transferring, alienating, encumbering and/or creating third party right, title or interest or creation of license in the redeveloped commercial building which is meant for an Applicants under the consent terms dated 03.10.2019.”

9. List on **1st October, 2025.**

(ABHAY AHUJA, J.)

Digitally
signed by
NIKITA
YOGESH
GADGIL
Date:
2025.08.21
10:15:45
+0530

Nikita Gadgil