



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION (L) NO.24393 OF 2025
IN
SUIT (L) NO.23631 OF 2025

Bailor Raghavendra Shetty

...Applicant/Plaintiff

V/s.

M/s. Sai Siddhanth Developers and Ors.

...Respondents

Ms. Apurva Thipsay with *Mr. Himanshu Agrawal and Mr. S. Shetty i/b. M/s. Bellator Legal Services LLP for the Applicant /Plaintiff.*

CORAM: SANDEEP V. MARNE, J.

Dated: 12 SEPTEMBER 2025.

P.C.:

- 1) Heard Ms. Thipsay, the learned counsel appearing for the Plaintiff.
- 2) Plaintiff's case is that Flat Nos.701, 702,703, 706 and 707 on 7th floor of the building 'D.N. Nagar Suryakiran' have been purchased by the Plaintiff vide registered Agreements for Sale executed in the year 2012. Ms. Thipsay would submit that construction of the building is now complete and understandably a part occupation certificate has been issued some time in the year 2025. She would however submit that Plaintiff has not been able to lay hand on copy of the occupation certificate. She would further submit that in the year 2022, Defendant No.1 has given fit out possession to Defendant Nos.2 to 4, who are original members of the society, whose building was taken up for redevelopment. Thus, it is Plaintiff's case that Defendant Nos.2 to 4 are put in possession of Flat Nos.703, 706 and 707. Ms. Thipsay would submit that possession of flat

Nos.701 and 702 has not been handed over to any party by Defendant No.1.

3) Defendants are attempted to be served by private notice. Affidavit of service is tendered, which indicates that notice dispatched to Defendant No.1 has been returned. Ms. Thipsay would submit that partner of Defendant No.1-Firm has gone absconding on account of initiation of proceedings under the provisions of the Prevention of Money Laundering Act, 2002. She would submit that Defendant Nos.2 to 4 were attempted to be served in the flats of which possession is handed over to them and that they have refused to accept the service.

4) Issue court notice in the Interim Application to Defendant Nos.1 to 4, returnable on **8 October 2025**.

5) Ms. Thipsay would express an apprehension that Defendant No.1 is likely to induct outsiders even *qua* flat Nos.701 and 702. She would submit that Plaintiff as of now is not asking for possession of flat Nos.703, 706 and 707 and reserves his right to press interim injunction *qua* those flats at appropriate stage. She would however urge that a restraint order be passed *qua* flat Nos.701 and 702, which are yet to be put in possession of any party.

6) Considering the above position by way of ad-interim relief it is directed that Defendant No.1 shall not hand over possession of flat Nos.701 and 702, if the same is not already handed over to others.

7) List on **8 October 2025**.

[SANDEEP V. MARNE, J.]