



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

SECOND APPEAL NO.550 OF 2024

M/s. Vinamra Builders and Developers & Ors.Appellants
V/S
Girija Shankar NayakRespondent

**WITH
INTERIM APPLICATION NO.12502 OF 2024
IN
SECOND APPEAL NO.550 OF 2024**

M/s. Vinamra Builders and Developers & Ors.Applicants
V/S
Girija Shankar NayakRespondent

Mr. Kamlesh Ghumre a/w Mr. Sonali Jadhav i/b Mr. Sanket Patil *for the Appellants/Applicants.*

Mr. Bhavesh V. Magam *for Respondent.*

**CORAM : SANDEEP V. MARNE, J.
DATE : 31 AUGUST 2026.**

P.C.:

1. On 5 May 2025, this Court passed following order:

“1. This appeal was adjourned to enable the parties to arrive at amicable settlement. The second appeal arises out of a decree for specific performance directing the appellants to hand over possession of the suit flat i.e. flat No.202, admeasuring **664.25** sq.ft on 2nd floor, building no.5, Solitaire-I, at village Navghar, Mira Road-East. By the impugned decree the plaintiff was directed to deposit the balance consideration amount in the trial court.

2. Learned counsel for the plaintiff submits that the amount is already deposited in the trial court. The appellants submitted that the third party rights are already created in respect of the suit flat.

3. Learned counsels for the parties submit that the parties made an attempt to amicably resolve the dispute by handing over some other flat to the plaintiff. However, the parties are unable to arrive at amicable terms regarding the flat. Learned counsel for the appellants on instructions of appellant no.2 makes a statement on behalf of all the appellants that the suit flat shall be handed over to the **plaintiff** in terms of the impugned decree after removing the encumbrance created by them. He seeks three months time to execute the impugned decree by handing over the suit flat after removing all the encumbrances. The statement made on behalf of the appellants is accepted as an undertaking to this court. The appellants are granted three months time to comply with the statement.

4. List the second appeal for recording compliance and further directions on 11th August 2025. To be listed under the caption for recording compliance.”

2. Mr. Ghumre, the learned counsel appearing for Appellants submits that possession of the suit flat has already been handed over to the Plaintiff. He submits that the Appellants be permitted to withdraw the amount deposited by the Plaintiff in the Trial Court alongwith the accrued interest. Accordingly, the Appellants are permitted to withdraw the amount deposited in the Trial Court alongwith accrued interest.

3. Nothing survives in the Second Appeal since the decree is complied with. Second Appeal is accordingly **disposed of** as infructuous.

4. In view of disposal of the Second Appeal, nothing would survive in the Interim Application and the same is also accordingly disposed of.

(SANDEEP V. MARNE, J.)