

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**APPEAL FROM ORDER NO.1101 OF 2014
WITH
CIVIL APPLICATION NO.1330 OF 2014**

Rajani @ Ulka Tukaram Phuge and Others ... Appellants
vs.
SSD Promoters and Builders and Others ... Respondents

Mr. N.V. Walawalkar, Senior Advocate a/w. Mr. Vikram
Walwalkar, Mr. Victor Pinto i/b. Mr. Dhanesh Patekar, for the
Appellants.
Mr. P.S. Dani, Senior Advocate i/b. Mr. Prasad Kulkarni, for the
Respondents.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **28th SEPTEMBER, 2015**

P.C.:

. In this Appeal, the application is made for by way of interim relief. The learned senior counsel for the Appellants submits that the land admeasuring 38 R is the suit land in the Special Civil Suit No. 596 of 2013 in which the application(Exhibit “5”) was rejected by an order dated 2nd August, 2014 by the Joint Civil Judge, Senior Division, Pune. He submits that on the basis of 7/12 extract of the suit land, the names of all the different persons are appearing and

the land which is fallen to their share is also specifically mentioned. The 7/12 extract of the year 2013-14 of the suit land is taken on record. He pointed out that out of 38 R land, 20 R are given to the other persons and their names are reflected in 7/12 extract. However, still the land admeasuring 18 R stands in the name of Mr. Ramchandra Shankar Kokane who is the Respondent No. 2 and the father of the Appellant, the names of the Respondents especially the Respondent No. 1 or any other third party is not to be mutated in respect of those 18 R land.

2. The learned senior counsel for the Respondent who is the main contesting party submits that the Respondent No. 1 who is the Developer who has purchased the entire land of 38 R and has constructed the building, the third party rights are also created in respect of land admeasuring 18 R. However, on query the learned senior counsel submits that yet the society is not formed.

3. In view of these submissions and as the society is not formed and 18 R land is still in the name of Respondent No. 2, a father of the Appellant, the Respondents are directed not to mutate

their names as third party in respect of land 18 R in the name of Respondent No. 2 stands. If the society is formed by the Respondents of the building which are standing on the suit land, then the Respondents are at liberty to approach the trial Court for seeking permission to go for Deed of Conveyance and mutating. The Respondents may approach the trial Court for the necessary order and the trial Court to consider it and pass the appropriate order.

4. The Appeal from Order stands disposed of on the above terms.

(MRS.MRIDULA BHATKAR, J.)

CERTIFICATE

Certified to be true and correct copy of the original signed
Judgment/Order.