

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

APPEAL AGAINST ORDER NO.85/2014

Chandrakant Jitendra Thakkar
...Versus...
Bhaves s/o Babulal Jain and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri R.K. Thakkar, Advocate for appellant
Shri S.V. Sohoni, Advocate for respondent nos.2

CORAM : Z.A. HAQ, J.
DATE : 09.02.2015

Heard Shri R.K. Thakkar, the learned Advocate for the appellant and Shri S.V. Sohoni, the learned Advocate for the respondent no.2.

The appellant/original plaintiff has filed the civil suit praying for decree for specific performance of contract and for other ancillary reliefs.

As per the contention of the appellant there was agreement of sale between the appellant and the respondent no.1 dated 19.1.2010 in respect of the suit property. However, the respondent no.1 has sold the suit property to the respondent no.2 by the sale-deed dated 9.2.2011. It is submitted that at the time of filing of the civil suit the appellant was not aware about the execution of the sale-deed and therefore, the respondent no.2 was initially not impleaded as defendant to the civil suit but on getting information in the matter the respondent no.2 is impleaded as

defendant no.2 and application praying for temporary injunction is filed seeking restraint order against the respondent no.2 from undertaking the construction on the suit plot.

This Court by the order dated 18.11.2014 directed the parties to maintain *status quo*. Shri S.V. Sohoni, the learned Advocate for the respondent no.2, on instructions, submits that the civil suit is of 2012 and if the civil suit is expedited the respondent no.2 shall not proceed further with the construction on the suit plot.

In view of the submissions made by the respondent no.2 without going into the merits, the following order is passed.

ORDER

The learned trial Judge shall decide the civil suit till 30.09.2015.

The respondent no.2 undertakes that he shall not proceed with the construction on the suit plot till the decision of the civil suit.

The appeal is disposed of in the above terms.

In the circumstances, the parties to bear their own costs.

JUDGE

Wadkar