

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

**APPEAL FROM ORDER NO. 225 OF 2016
WITH
CIVIL APPLICATION NO. 301 OF 2016**

Sangita B. Shah

... Appellant

vs.

Suresh C. Kela & ors.

... Respondents

Mr. Tushar Sonawane i/by Prashant S. Hagare, Advocate for the appellant.

Mr. Vijay Thorat, Senior Advocate a/w Nilesh V. Kalantri, Advocate for the respondents.

Coram : Smt. R. P. SondurBaldota, J.

Date : 6th April, 2016.

P.C.

1. This appeal from order challenges part of the order dated 15th February, 2016, by which the trial Court rejected the appellant's application for interim reliefs at exhibit 7. The impugned order is a common order on exhibit 5 and exhibit 7 filed by the appellant. The trial Court has allowed the application at exhibit 5 and rejected the application at exhibit 7.

2. The suit filed by the appellant is for specific performance of the agreement for sale of the suit property executed in the year 2004. The suit was filed in the year 2015. By the application at exhibit 7, he sought injunction to restrain

respondents no.7 and 8, the Collector, Nashik and Tahasildar, Nashik from paying compensation for requisition of the suit land for Sinhasth Kumbh Mela to respondents no.1 to 6. Admittedly a substantial portion of the compensation i.e. 60% of the compensation has already been received by respondents no.1 to 6 and the application at exhibit 7 was limited to the balance amount of Rs.40% payable for the suit property. The trial Court has rejected the application stating reason that the title of the suit property is yet to be transferred in favour of the appellant and that the only right that the appellant has is to get the final document of sale executed by respondents no.1 to 6 on the basis of the agreement of sale on record. Therefore, the appellant at the moment is not entitled to receive the compensation amount. There is no infirmity, whatsoever, in the view taken by the trial Court. Hence, the Appeal from Order is dismissed. Mr. Sonawane, the learned advocate for the appellant prays for continuation of the ad-interim order dated 23rd February, 2016 for a period of four weeks. The request is rejected.

3. In view of the dismissal of the Appeal from Order, Civil Application No. 301 of 2016 does not survive. The same is accordingly disposed off.

[Smt. R. P. SondurBaldota, J.]