

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

***APPEAL FROM ORDER NO. 481 OF 2015
ALONG WITH
CIVIL APPLICATION NO. 620 OF 2015***

Suryakant Shardaprasad Sharma

... Appellant

v/s

Roha Infrastructure Developers
Pvt. Ltd. & ors.

... Respondents

Mr.Vishal Kanade i/by Ashoka Law Firm for the appellant/
applicant.

Mr.A.R.Shaikh i/by ASD Associates for Resp. Nos.1 and 4.

Mr.A.V.Diwate i/by U.H. Deshpande for Resp. No.6 B.M.C.

CORAM: N.M. JAMDAR, J.

DATED : 21 MARCH 2016

P.C.:

Heard learned counsel for the parties. By consent, taken up
for final disposal.

2 By the impugned order dated 23 February 2015, the ad-
interim relief sought for by the Appellant has been refused and the
notice of motion is made returnable.

3 The Appellant had sought ad-interim relief as regard Flat

No.304 on third floor on 'B' Wing, admeasuring 1040 sq. ft. of Satsang Bharati Co-operative Housing Society. Learned Civil Judge had rejected grant of ad-interim relief on the ground that the agreement entered into by the Appellant and the Respondents, *prima facie*, is an agreement as an investor.

4 Heard learned counsel for the parties.

5 Learned counsel sought to urge various arguments as regard the nature of the documents. However, it is not necessary to go into the same as the learned counsel for the Respondent has pointed out that the project itself has come to a standstill and no I.O.D. or commencement certificate have been issued in favour of the Respondents and that, as on today, no third party rights are made in the suit property. If the Respondents seek to transfers its interest in the project to some other party, then that fact will be intimated to the Appellant.

6 Keeping all contentions of the parties open, the appeal is accordingly disposed of.

7 In view of disposal of the appeal, the civil application does not survive and is disposed of.

(N. M. JAMDAR, J.)