

Anand

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

**CIVIL APPLICATION (ST) NO.1314 OF 2017
IN
WRIT PETITION NO.6009 OF 2010**

Rakesh Bhikaram Shukla .Applicant

Vs.

Smt. Nalini Dwarkadas Patel & anr. .Respondents

Mr.M.S.Lagu, Advocate, for the Applicant
Mr.Yogesh V. Panjwani i/b. Mr.Virendra Panjwani, Advocate, for the
Respondents

CORAM : R.G.KETKAR, J.

DATE : 17.03.2017

P.C.

. Heard Mr. Lagu, learned counsel for the Applicant and Mr.
Panjwani, learned counsel for the Respondents.

2. By this Application, Applicant is inter alia praying for
injunction restraining Respondents from creating any third party interest
in respect of the suit properties as also from alienating, transferring or
dealing with in any manner whatsoever the suit property namely
S.No.29 Hissa No.1/B/1, Area admeasuring 1 H 43 Ares situated at
Revenue Village Dhagadwadi, Tal. Roha, Dist. Raigad and also the
other property mentioned in the Public Notice dtd. 20/12/2016

published on 22/12/2016. The Applicant has also prayed for injunction restraining the Respondents from handing over possession of the suit property or any part thereof to any third party.

3. Mr. Lagu submitted that by Order dated 06.08.2010 this Court admitted Writ Petition No.6009 of 2010 by issuing rule and granted interim relief in terms of prayer clause (b) with liberty to the Respondents to apply for modification of the interim relief, in case they feel aggrieved. This Court stayed further proceedings of R.C.S.No. 29 of 2002 pending on the file of C.J.S.D., Roha. Mr. Lagu submitted that as this Court has stayed further proceedings of that suit, Applicant herein cannot file the Application for interim relief in the pending suit.

4. In view thereof, the Order dated 06.08.2010 granting interim relief in terms of prayer clause (b) is modified so as to enable the Applicant to file the Application for interim relief as prayed in the present Application. The learned trial Judge will consider the Application for interim relief only and will not proceed with the R.C.S.No.29 of 2002. Civil Application is disposed of accordingly.

All the contentions of both the parties on merits in the proposed Application for interim relief are expressly kept open.

(R.G.KETKAR, J.)