

Atul

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER ST NO. 19402 OF 2015
WITH
CIVIL APPLICATION NO. 1318 OF 2015

Ranjana H Patil	...Applicant
<i>Versus</i>	
Arvind Patil	...Respondent

An Advocate, i/b Vikas K Mahangare, for the Applicant.
Ms Achala Hatode, i/b SK Jain & Associates, for Respondents Nos. 1
& 6.
Mr MG Agre, for Respondent No. 4.

CORAM: G.S. PATEL, J
DATED: 21st June 2017

PC:-

1. There is a delay of 172 days in filing the Appeal from Order. The delay is sufficient explained in paragraph 12 of the Civil Application. The delay is condoned.

2. The Civil Application is made absolute in these terms with no order as to costs. The Civil Application is disposed of in these terms.

3. By consent, the Appeal itself is taken up for hearing and final disposal.

4. The impugned order is of 4th December 2014. The learned Judge, on the Plaintiff's application to restrain certain Respondents from handing over any other flat to Defendants Nos. 1, 3 and 6 in the reconstructed building and seeking a Receiver, directed that on those Defendants receiving possession of alternative accommodation in lieu of Room No. 18, Memon Chawl, Bhawani Shankar Road, Dadar (West), Mumbai 400028 would not create any third party interest in that tenement until the final disposal of the Suit.

5. The impugned order is absolutely faultless. It is the correct order to make in these circumstances.

6. It would only be necessary to clarify that should the Society issue any share certificate, this will be noted in the Society records as provisional and subject to the outcome of this particular Suit. No further protection is required.

7. The Appeal from Order is dismissed with these observations. There will be no order as to costs.

(G. S. PATEL, J)