

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

CIVIL APPLICATION NO.3531 OF 2017
IN
FIRST APPEAL NO. 1240 OF 2017
IN
SPECIAL CIVIL SUIT NO. 21 OF 2011

Javed Sayyad & anr.

... Applicants
(original plaintiffs)

V/s.

Digambar Ambalgi & ors.

... Respondents
(original defendants)

Ms. Sunita Potdar i/b. Kavita Shinde for the applicants.

Mr. Prasad P. Kulkarni for respondents 1 and 2.

***CORAM : NARESH H. PATIL AND
R.G. KETKAR, JJ.***

14th November, 2017.

P.C.

Learned Counsel appearing for applicants submits that interim-relief be granted pending hearing and final disposal of the appeal. It

is submitted that the trial Court had observed in Paragraph-21 of the judgment that plaintiff's case lacks merits but it is not totally a false claim. The applicants have raised substantive issues going to the root of the matter and, therefore, interim-relief needs to be granted.

2. The learned Counsel appearing for respondents 1 and 2 submits that application for interim-relief filed in the year 2013 by the plaintiffs in the proceedings of the Suit came to be rejected by the Court by a reasoned order passed in the month of January 2013. Learned Counsel submits that alleged agreement is an oral agreement for which no evidence was led neither the plaintiffs established prima-facie case before the trial Court.

3. We have perused the judgment of trial Court and considered the submissions advanced. The plaintiffs failed to convince the Court for grant of interim-relief in the trial Court. Application filed by the plaintiffs was rejected in the year 2013. The Suit was decided in the year 2017. During this period of four years there was no interim order.

The plaintiffs' case is based on the oral agreement to purchase immovable property for consideration amount of Rs.16 lacs per acre. The plaintiffs claim to have paid 10 lacs of rupees. The trial Court framed appropriate issues in Paragraph 10 of the judgment.

4. Taking into consideration the facts and circumstances, the issues framed and the view adopted by the trial Court, we are not inclined to grant interim-relief to the applicants. Application stands rejected.

(R.G. KETKAR, J)

(NARESH H. PATIL, J.)

L.S. Panjwani, P.S.