

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7189 OF 2018

Mangesh Vitthal Wadekar

..... Petitioner

VERSUS

**Pradnya Pramod Latakar (formerly known
Shubhada Bhalchandra Joshi) & Anr.**

..... Respondents

Mr.P.K.Dhakephalkar, Senior Advocate, i/b. Mr.Vaibhav R.Gaikwad
for the Petitioner.

Mr.P.S.Dani, Senior Advocate, i/b. Mr.Nachiket V. Khaladkar for the
Respondents.

ALONGWITH

WRIT PETITION NO. 7196 OF 2018

Maresh Bhalchandra Joshi

..... Petitioner

VERSUS

**Pradnya Pramod Latakar
@ Shubhada Bhalchandra Joshi & Anr.**

..... Respondents

Mr.Ashutosh M. Kulkarni, i/b. Mr.Akshay A. Kulkarni for the
Petitioner.

Mr.P.S.Dani, Senior Advocate, i/b. Mr.Nachiket V. Khaladkar for the
Respondents.

CORAM : R.D. DHANUKA, J.

DATE : 16th OCTOBER, 2018

P.C.

Respondent no.1 is present in court.

2. The matter was argued at great length by both the parties through their respective counsel. Learned counsel appearing for both the parties agree that the court need not record any reasons for disposing of both these writ petitions. Statement is accepted.

3. Without prejudice to the rights and contentions of the petitioner in Writ Petition No.7189 of 2018 and in Writ Petition No.7196 of 2018, Mr.Dhakephalkar, learned senior counsel for the petitioner in Writ Petition No.7189 of 2018 and Mr.Kulkarni, learned counsel for the petitioner in Writ Petition No.7196 of 2018 on instruction state that no third party rights would be created in respect of the flat bearing no.B-7 consisting of two bed room hall kitchen in the building under construction and that the said flat would be kept vacant during the pendency of the RCS No.136 of 2016. The statement made by the learned counsel for the petitioners in both these two matters are accepted as and by way of undertaking to this court. The impugned order passed by the learned District Judge in Misc.Civil Appeal No.147 of 2017 is substituted by this order.

4. In my view, the interest of justice would be met with if the impugned order passed by the learned District Judge in Misc.Civil Appeal No.147 of 2017 is substituted by this order.

5. Both the writ petitions are disposed of in the aforesaid terms. Hearing of the suit is expedited.

6. It is made clear that the learned trial judge while passing the

final judgment in the pending suit filed by the respondent no.1 would be empowered to consider and grant appropriate relief in respect of the said flat bearing no. B-8 which is directed to be kept reserved.

[R.D. DHANUKA, J.]

Kanchan
Vinod
Mayekar

Digitally signed
by Kanchan
Vinod Mayekar
Date:
2018.10.17
18:13:39 +0530