

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

WRIT PETITION NO.1449 OF 2015

M/s. Pranjee Properties Pvt. Ltd.	...Petitioner
V/s.	
Narendra Pal Sing Manchanda	Respondent

Mr. Ajit Tamhane a/w. Mr. Amit Potnis a/w. Mr. Rohan Tamhane for the Petitioner.

Ms. Prerna Lalchandani i/by Ms Reena Salunkhe for the Respondent.

CORAM : M.S. SONAK, J.

DATE : 1st MARCH, 2018

P.C.

1. Rule. Rule made returnable forthwith. Heard finally with the consent of the parties.
2. The challenge in this petition is to the order dated 15.09.2014, by which the learned Trial Court has dismissed the petitioner's/plaintiff's Notice of Motion seeking for interim relief of appointment of Court Receiver and injunction.
3. The petitioner has instituted a suit under Section 6 of the Specific Relief Act, 1963 seeking for restoration of possession of the suit property. Pending such suit, the petitioner took out a Notice of Motion seeking appointment of Court Receiver and injunction. By

the impugned order, this Notice of Motion has been dismissed.

4. On 11.02.2015, this Court recorded statement of the learned counsel for the respondent that the respondent would not deal with the suit property in any manner whatsoever pending consideration of the petition. The order dated 11.02.2015 reads as follows:-

At the request of the Learned Counsel Ms Kandar appearing for the Respondent adjourned to 25th February 2015. The Learned Counsel for the Respondent assures the Court that the Respondent would not deal with the suit property in any manner whatsoever pending consideration of the above Petition.”

5. On 19.11.2015 this matter was posted for final disposal. A direction was received to post this matter for final disposal on 17.12.2015. The ad-interim order granted earlier was directed to continue.

6. From the aforesaid, it is clear that at least from 11.02.2015 onwards, there is a statement made on behalf of the respondent that the respondent will not deal with the suit property in any manner whatsoever pending consideration of the petition. The same position, continues as on date.

7. The learned counsel for the parties points out that Special Civil Suit No.104132/2011 instituted by the petitioner is at an advance stage i.e. cross examination of plaintiff is in progress. Since this is the position, this petition can be disposed of by directing the respondent not to deal with the suit property in any manner whatsoever pending the consideration of the suit itself. The suit is ordered to be expedited, since the suit is under Section 6 of the

Specific Relief Act, 1963 which even otherwise is required to be disposed of expeditiously.

8. It is made clear that the learned Trial Court in disposing of the civil suit, will not be influenced by either the impugned order or the order now made. The suit will have to be decided on its own merits and in accordance with law and the evidence of the parties placed before the learned Trial Judge.

9. The rule is disposed of in the aforesaid terms.

10. There shall be however, no order as to costs.

11. All the concerned to act on an authenticated copy of this Order.

(M.S. SONAK, J.)