

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

**APPEAL FROM ORDER NO.846 OF 2019
WITH
CIVIL APPLICATION NO.1005 OF 2019**

Lodha Builders Private Limited ... Applicant/Appellant
Versus
R.G. Hospitality LLP
Ad Others ... Respondents

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Mr. P.S. Dani, Senior Advocate a/w Mr. Neveille Mukerji and Mr.
Asim Tirmizi i/b Veritas Legal for the Appellant.
Ms. Rituja Ghadigaonkar, Respondent No.2 present in person.
Mr. Suraj Iyer i/b Ganesh & Co. for Respondent No.2.

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CORAM : S.C. GUPTE, J.

DATE : 3 SEPTEMBER 2019

P. C. :

. This Appeal from Order challenges an interlocutory order passed by the Civil Judge, Senior Division, Thane in a special civil suit. By the impugned order, the application of the Appellant herein (original plaintiff) for interim injunction restraining Respondent Nos.1 to 3 (original defendant nos.1 to 3) from entering into the suit premises or creating third party right therein, was rejected by the learned Judge. That order is challenged in the present Appeal from Order. After the matter is heard at some length, it is agreed between the parties that the impugned order on the Appellant's interim application, namely,

Exhibit 5, may be substituted by the following order. It is ordered accordingly as follows :-

: O R D E R :

i) Pending the hearing and final disposal of the special civil suit and without prejudice to the rights and contentions of Respondent Nos.1 to 3 to contest the termination of the conducting agreement, Respondent Nos.1 to 3 shall deposit before the trial court a sum of Rs.6,27,112/- every month. The amount shall be deposited prospectively from today, the first of such deposits having to be made on or before 5 October 2019 and subsequent deposits on or before 5th day of each succeeding month.

ii) In case Respondent Nos.1 to 3 default in payment of this amount, the Appellant shall have liberty to apply to the trial court for interim injunction/receiver in terms of the original application, being Exhibit 5.

iii) All rights and contentions of the parties on merits are kept open.

(S.C. GUPTE, J.)