

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

APPEAL FROM ORDER NO.746 OF 2019

M/s. Goldstar Properties

...Appellant

Vs

M/s. Sigrun Realities Limited & Ors.

... Respondents

...

Mr. Shreepad Murthy i/by Mr. Abhishek Patil for the Appellant.

Mr. C.N.Kumar for R.No.1.

Mr. B.B.Sharma for R.No.5-CIDCO.

Ms. Swati H. Sagvekar for R.No.6.

CORAM : SANDEEP K. SHINDE J.

DATE : FEBRUARY 4, 2022.

(Through Video Conferencing)

P.C. :

Heard learned counsel for the parties.

2 Appellant/plaintiff instituted Special Civil Suit No.51 of 2012 seeking a decree of specific performance of the suit contract/development agreement dated 13th August, 2008 executed by and between appellant and respondent no.1 (Original Defendant No.1). Pending suit, appellant moved an application seeking interim relief in the nature, that it may be permitted to pay development charges to the planning authority, i.e., CIDCO so as to enable it to

go ahead with the development of the plot in respect of which suit agreement was executed by defendant no.1 in its favour.

3 The learned trial Court vide reasoned order dated 16th September, 2014 declined to grant interim relief to the plaintiff. That order is assailed in this appeal.

4 In consideration of the facts of the case, I am not inclined to interfere with the order and permit the plaintiff to pay development charges to the CIDCO as that would amount to granting final relief at the interim stage. That being the case, appeal is dismissed. However, trial Court shall make an endeavour to dispose of the suit expeditiously. Appeal is disposed of in aforesaid terms.

(SANDEEP K. SHINDE, J.)