

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**APPEAL FROM ORDER NO.302 OF 2022
WITH
INTERIM APPLICATION NO.2196 OF 2022
IN
APPEAL FROM ORDER NO.302 OF 2022**

HARISHCHANDRA NARAYAN PATIL & ORS.)...APPELLANTS

V/s.

VIKAS BHASKAR VARTAK AND ORS.)...RESPONDENTS

Mr.S.S.Redekar a/w. Mr.Yogesh Rawool & Mr.Himalaya
Chaudhari, Advocate for the Appellants/Applicants.

CORAM : SMT. BHARATI DANGRE, J.

DATE : 6th APRIL 2022

P.C. :

1 Heard the learned counsel for the appellants and perused
the memo of appeal.

2 The appeal is filed, being aggrieved by the ad-interim order
dated 28th February 2022 passed by the Civil Judge, Senior

Division, Vasai below Exhibit 13 in Special Civil Suit No.36 of 2022.

3 On obtaining leave from the Civil Court, suit came to be filed by the respondent no.1 in the wake of the order passed by this Court in Writ Petition No.9772 of 2021 on 28th January 2022 and on perusal of the said order, it is apparent that the Court did not continue the ad-interim order on merits but permitted the petitioner to file a civil suit and and to file interim application for interim reliefs before the civil Court. All rights and contentions of the parties were kept open.

4 Upon the suit being filed in furtherance of the said order, an application for stay came to be filed seeking restraint order against defendant no.1 i.e. the competent authority and S.D.O., Vasai from disbursing the amount of compensation along with the ancillary components. Pending this application, another application Exhibit 13 was taken out for grant of ad-interim injunction restraining the defendant no.1 from disbursing the

amount of compensation in favour of defendant nos.2 to 6 and further restraining from creating any third party interest in the suit property till filing of the say. This application resulted in passing of the impugned order dated 28th February 2022 whereby the defendant no.1 is restrained from disbursing amount of compensation of acquired suit properties by way of an ad-interim injunction till the next date.

5 The learned counsel for the appellant fairly states that he is aggrieved by the order dated 28th February 2022 but he would be contended if the Exhibit 5 filed is decided by the Court, since the reply opposing the relief in the said application is already filed on record. In the wake of above statement and order dated 28th February 2022, the Civil Judge, Senior Division, Vasai shall decide the application expeditiously.

6 Needless to state, the parties shall render co-operation to the learned Judge in disposing of the said application.

7 In the wake of aforesaid order passed, Appeal from Order stands disposed of.

In view of disposal of appeal from order, Interim Application 2196 of 2022 also stands disposed of.

(BHARATI DANGRE, J.)

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