

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

**APPEAL FROM ORDER NO. 362 OF 2022  
WITH  
INTERIM APPLICATION NO. 2530 OF 2022  
IN  
APPEAL FROM ORDER NO. 362 OF 2022**

Mr. Yusuf Chaudhary

... Appellant

v/s.

Chandrakant Changu Thakur

and ors.

.... Respondents

Mr. D.V. Mirajkar a/w. Mr. Rahul Motkari, Mohit Shamdasani,  
i/b. Anand Dhongade for the Appellant.

Mr. Suresh M. Sabrad for Respondent Nos.1 to 6.

Mr. V.V. Tapkir for Respondent No.7.

Mr. Rahul Sakhadeo i/b. Sakhadeo and Associates  
for Respondent Nos.10 and 11.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.**

**DATED : 21<sup>st</sup> DECEMBER, 2022.**

**P. C. :-**

. The Appellant has challenged the order dated 25/03/2022 whereby the learned Civil Judge, Senior Division, Panvel rejected the Application at Exhibit -5 filed in Special Civil Suit No.361/2015.

2. The Appellant who was the plaintiff has filed the suit for specific performance of agreement dated 07/02/2013 in respect of land which is to be allotted to Respondent Nos.1 to 6 under 12.5% scheme. The Appellant-plaintiff had filed an Application at Exhibit -5 apprehending alienation of the land pending the suit. The total consideration as per the agreement was Rs.1,59,50,000/-. The Appellant-plaintiff has already paid

consideration of Rs.15,95,000/- to Respondent No.1 and Respondent Nos.8 and 9.

3. Learned counsel for the Appellant states that 50% of the balance amount will be deposited before the Trial Court within one month from the date of this order and the remaining amount shall be deposited within one month thereafter.

4. In the light of said statement, Mr. Sabrad, learned counsel representing Respondent Nos.1 to 6 makes a statement that the Respondent Nos.1 to 6 shall not alienate or create third party rights pending hearing of the suit. Learned counsel for the Appellant states that the Appellant shall not enter into any agreement or assign rights in favour of third party on the strength of agreement dated 07/02/2013. Statements accepted.

5. Appeal disposed of in view of the statements made above. Interim Application stands disposed of in view of disposal of the Appeal.

6. The amount deposited by the Appellant shall be invested in any nationalized bank till disposal of the suit. Interim relief shall stand vacated in the event the Appellant fails to deposit the amount as stated above within stipulated time.

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(SMT. ANUJA PRABHUDESSAI, J.)