

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

APPEAL FROM ORDER NO. 337 OF 2022
WITH
INTERIM APPLICATION NO. 10028 OF 2022
WITH
INTERIM APPLICATION NO. 2355 OF 2022
IN
APPEAL FROM ORDER NO. 337 OF 2022

Hardasmal Hazarimal Tharwani
partner of M/s. Sai Homes

..Appellant

v/s.

Snuil Hardasmal Tharwani
Partner of M/s. Sai Homes.

..Respondents

Mr. Girish Godbole i/b. Drupad Patil for the Appellant/Applicant
Petitioner.

Mr. Girish Agarwal for the Respondent Nos.1 and 2.

**CORAM : ANUJA PRABHUDESSAI, J.
DATED : 6th JULY, 2022.**

P.C.

1. The Appellant herein has challenged the order dated 25.09.2020, whereby the learned Civil Judge, Senior Division, Kalyan rejected the application at Exhibit 9 for maintaining status quo in respect of the suit flats.

2. Shri Godbole, learned Counsel for the Appellant states that the Respondent Nos.1 and 2 have sold/ transferred some of the flats during the pendency of the application at Exhibit 5. He states that the applications to implead the subsequent purchasers and for interim reliefs

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are pending before the trial court.

3. Mr. Agarwal, learned Counsel for the Respondent Nos.1 and 2, under instructions, makes a statement that the Respondent No.1 and 2 will not alienate, transfer or create third party rights in respect of the suit flats till disposal of the Application at Exhibit 5.

4. Learned Counsel who is representing the subsequent purchasers, under instructions, also makes a statement that the subsequent purchasers shall maintain status quo as of date pending disposal of the application at Exhibit 5 or application under Order 1 Rule 10. The statements made by the learned Counsel for the Respondent Nos.1 and 2 and the subsequent purchasers are accepted as undertaking to the Court.

5. In the light of the statements made by the learned Counsel for the respective parties, with consent, the appeal is disposed of with directions to the learned Judge to dispose of the application under Order 1 Rule 10 as expeditiously as possible, and in any event within a period of two months from the date of this order. In the event the application is allowed, the subsequent purchasers shall be bound by the statement, till the date of disposal of the Application at Exhibit 5/ application for interim reliefs.

6. The parties shall complete the pleadings in Exhibit 5 interim relief

within a period of two months thereafter. The learned Judge shall endeavor to dispose of the application at Exhibit 5/ interim relief within a period of two months from the date the pleadings are completed.

7. It is made clear that this Court has not expressed any opinion on the merits of the matter. All the applications, including the application filed by the respondents challenging maintainability of the suit/motion, shall be decided on its own merits.

8. All the parties, including the subsequent purchasers to appear before the trial court on 22.07.2022.

9. Appeal as well as the pending applications stand disposed of.

(ANUJA PRABHUDESSAI, J.)