

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

**APPEAL FROM ORDER NO. 1134 OF 2022
WITH
INTERIM APPLICATION NO. 30271 OF 2022
IN
APPEAL FROM ORDER NO. 1134 OF 2022**

Kiran Sharad Ghule and anr. Appellants
v/s.

Sudha Alias Dudhatai Gajanan Prabhune
and ors. Respondents

Mr. Drupad Patil for the Appellants.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 16th DECEMBER, 2022.

P. C. :-

. The Appellants herein who are the original plaintiffs have challenged the order dated 29/08/2022 passed by the learned Civil Judge, Senior Division, Baramati, Dist. Pune dismissing the Application at Exhibit – 5 filed in Special Civil Suit No.107/2021.

2. Heard Mr. Drupad Patil, learned counsel for the Appellants.

3. The case of the Appellant in brief is that some time in January, 2020, he had entered into an agreement for sale with Respondent Nos.1 to 6 in respect of the property under Gat No.23 situated at

village Jagaon-Supe, Tal. Baramati, Dist. Pune for sale consideration of Rs.1,32,21,000/-. The Appellant claims that he had issued public notice with consent of Respondent Nos.1 to 6. He also got the land measured on 16/09/2020 in presence of the Respondents. Respondent Nos.1 to 6 sold the property to the Respondent No.7 on 29/10/2020. The Appellant therefore filed a suit for specific performance and during the pendency of which, he sought to restrain the Respondent No.7 from developing or creating any third party rights in respect of the suit property.

4. It is not in dispute that the Appellant had not entered into written agreement with the Respondent Nos.1 to 6 in respect of the sale of the suit property. The Appellant has also not paid any earnest money to the Respondent Nos.1 to 6. Prima facie, there is no material on record to indicate that there was a concluded contract between the parties. Under the circumstances, the learned Trial Judge was justified in rejecting the Application as against Respondent No.7 who has admittedly purchased the property under a registered sale deed. There is no infirmity in the order. The Appeal is dismissed. Interim Application stands disposed of in view of dismissal of the Appeal.

PREETI
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(SMT. ANUJA PRABHUDESSAI, J.)