

Arjun

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

WRIT PETITION NO.3572 OF 2023

Bhavin Mulchand Vira ...Petitioner

V/s.

Deepak Namdev Patil ...Respondent

WITH

WRIT PETITION NO.3574 OF 2023

Narayan Ganpat Mogal ...Petitioner

V/s.

Deepak Namdev Patil ...Respondent

WITH

WRIT PETITION NO.3576 OF 2023

Ganpat Balshiram Rajgurav ...Petitioner

V/s.

Deepak Namdev Patil ...Respondent

Mr. J. S. Kini a/w Aum Kini i/b Sapna Krishnappa, for the Petitioner in all the Writ Petitions.

Mr. Ranjeet Shinde, for the Respondent in all the Writ Petitions.

**CORAM : MADHAV J. JAMDAR, J.
DATED : APRIL 21, 2023**

P.C.:

1. Heard Mr. Kini, learned counsel appearing for the

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Petitioner and Mr. Shinde, learned counsel appearing for the Respondent.

2. The Petitioners initially have filed Writ Petition No.3069 of 2020. In the said Writ Petition, by order dated 24th august, 2022, the Petitioners were given liberty to file appropriate proceedings regarding their claim for declaration that they are existing tenants of Respondent No.3 in the said Writ Petition i.e. of the present Respondent. The Division Bench of this Court also issued direction to Respondent No.3 i.e. present Respondent not to create any third party interest or part with possession of concerned four tenements in favour of any third party, without obtaining prior permission from this Court for a period of six months. The Petitioners were granted liberty to apply for interim relief in the proceedings proposed to be filed by the Petitioners.

3. Mr. Kini, learned counsel states that, accordingly, Suits were filed and the Interim Applications also were filed. Although, the Interim Applications were heard, no order was passed therein and, therefore, Application bearing Exhibit-17 was filed in respective Suits seeking continuation of interim

order granted by this Court on 24th August, 2022. The said order was operating till 24th February, 2023 and, therefore, the said Application bearing Exhibit-17 was filed on 24th February, 2023 seeking that, till passing of the order in the Interim Application filed in the respective Suits, the said order be extended. By impugned order dated 24th February, 2023 passed by the learned 4th Civil Judge, Junior Division, Kalyan, the said Application filed in respective four Suits bearing Exhibit-17 was rejected.

4. Mr. Shinde, learned counsel appearing for the Respondent states that, in the meanwhile, main application of Interim injunction has also been rejected. He fairly states that, there is no date of order reflected in the order which is available on the website. However, digital signature of the learned Judge shows that, order is dated 31st March, 2023.

5. In view of the said order dated 31st March, 2023, Mr. Kini, learned counsel appearing for the Petitioner, after taking instructions, states that, the respective Petitioner will challenge said order by filing appropriate proceedings. His request is that, for short period, the order dated 24th August, 2022 passed by this Court be extended.

6. In view of the above subsequent development of disposal of the Interim Applications filed in respective Suits, the Writ Petitions are disposed of by passing following order :

The Respondent shall not create any third party interest or part with possession of the four tenements which are referred in the order dated 24th August, 2022 passed by the Division Bench of this Court in Writ Petition No.3069 of 2020 up to 30th June, 2023 so as to get the Petitioner opportunity to challenge the order passed in the Interim Application in respective Suits.

7. It is made clear that, this Court has not expressed any opinion on the merits of the matter and all the contentions on merits are expressly kept open.

8. The Writ Petitions are disposed of in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]