

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 15225 OF 2023
IN
FIRST APPEAL NO. 882 OF 2023

Payal Properties Pvt. Ltd. ... Appellant/
Applicant

V/S.

M/S. I. B. Commercial Pt. Ltd.
And Ors. ... Respondents.

.....
Mr.Sanjiv Sawant a/w. Mr.Malhar Bageshwar for the
Appellant/Applicant.
Ms.Vibha Mishra i/b.Mr.Jamil Khan for Respondent No.1.
Mr.Atul Damle Senior Advocate i/b.Nitesh Dabhi for Respondent
No.2.
Mr.Prashant Chavan a/w. Ms.Shraddha Chheda i/bNavdeep Vora &
Associates for the Respondent No.3.

.....

**CORAM : NITIN JAMDAR, AND
MANJUSHA DESHPANDE, JJ.**

DATE : 20 October 2023.

P.C. :

By order passed today, the Appeal is admitted. The interim application is taken out for two reliefs, first to stay the implementation of the impugned judgment and decree dated 31 December 2022. Second, to restrain Respondent No.2 (Original

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Defendant No.2) from creating any third party rights.

2 As regards the first prayer is concerned, the impugned judgment and order has refused decree of Specific Performance and, therefore, there cannot be a stay of this refusal, so also, of refusal to grant compensation. The third part of the decree is refund of the amount of Rs.5 Crores along with the interest so stipulated in favour of the Appellant. The learned counsel for the Appellant states that he is not pressing for the stay of this direction.

3 As regards the second prayer that is putting Respondent No.2 under restraint from creating third party rights is concerned. It is admitted that there was no such restraint orders during the pendency of the Suit. There is no reason why the restraint should be placed now, when also the governing statute holds the field.

4 Interim application is accordingly disposed of.

(MANJUSHA DESHPANDE, J.)

(NITIN JAMDAR, J.)