

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

**APPEAL FROM ORDER NO.1045 OF 2012
WITH
CIVIL APPLICATION NO.1431 OF 2012**

Prashant Y. Gokhale

..Appellant

Vs.

Smt. Manda wd/o Yashwant L. Gokhale
& Ors.

..Respondents

None for the Appellant.

None for the Respondents.

CORAM : G. S. KULKARNI, J.

DATE : FEBRUARY 10, 2023.

P. C.:

1. None for the Appellant. None for the Respondents. The order impugned in this Appeal is an order passed by learned Civil Judge, Senior Division, Pune whereby Application as filed by the Applicant/Plaintiff below Exhibit 5 in Special Civil Suit No.557/2012 has been dismissed.

2. On 1/11/2012 this Court had passed the following order:

"1. Heard. Respective Counsel waives service of notice.

2. Admit.

3. Hearing expedited.

4. Question is whether the Deed of Family Settlement dated 12.4.2011 required registration and what is its legal sanctity. Prima facie it appears that the property in relation to which that Settlement has been

entered into was personal property of late Yeshwant G.Gokhale.

4. Mr.G.S.Gokhale has expired on 6.4.2011. An oral Understanding or Memorandum is claimed to be during his life time i.e in February 2011.

5. Hence, parties are directed to maintain status quo as of today. Needless to mention that this order shall not bind the persons who are not parties to the Suit.

6. Civil application is accordingly partly allowed and disposed of."

3. Thus, in paragraph 5 of the order the parties were directed to maintain status quo as on the date. The said order was to bind only the persons who were parties to the proceedings. The said order has continued to operate till date.

4. Perusal of record indicates that on 13/2/2020 the Appeal was dismissed for non-prosecution. However, on 5/3/2020 vide Interim Application No.1/2020, the same was restored.

5. In my opinion, it is in the interest of justice that the parties are allowed to raise all their contentions in the pending suit. The question whether the Deed of Family Settlement requires registration is one of the issues that can be framed, if not already framed and the same be taken up for consideration. Thus, confirming the interim order dated 1/11/2012 as contained in paragraph No.5, is the order passed in the present proceedings to operate during the pendency of the suit in question. Ordered accordingly.

6. The Appeal is disposed of. All contentions of the parties

are expressly kept open. No costs.

7. In view of disposal of the Appeal, Civil Application does not survive and the same is disposed of.

[G. S. KULKARNI, J.]