

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 751 OF 2023
WITH
INTERIM APPLICATION (ST.) NO. 24547 OF 2023
(FOR STAY)

Bharat Petroleum Corporation Ltd.

...Appellant

V/s.

Sandeep Ramesh Desai and Ors.

...Respondents

Mr. S.R. Page, for the Appellant.

CORAM : SANDEEP V. MARNE, J.

Dated : 13 September 2023.

P.C. :

1. This Appeal is filed by the Appellant-Bharat Petroleum Corporation Limited challenging the order dated 2 August 2023 by which *ad-interim* injunction has been granted in favour of the Plaintiff. The operative portion of the order passed by the City Civil Court reads thus :

“1. The defendant Nos.1, 2 and 3 are jointly and severally restrained from creating third party interest in the business, possession, right, title and interest in the business of defendant No.1.

2. The ad-interim order shall be effective till filing of the reply by the defendants.”

2. Mr. Page, the learned counsel appearing for Appellant would submit that the order is likely to be misinterpreted to mean as

if Appellant-Bharat Petroleum Corporation Ltd has been restrained from creating third party interest in the land on which the retail outlet is situated. According to Mr. Page, there is absolutely no dispute with regard to the land in question which undoubtedly vests in the Appellant-Corporation. That the Appellant-Corporation does not have any say in the dispute amongst partners about business operations of the partnership firm.

3. Perusal of the *ad-interim* order passed by the City Civil Court dated 2 August 2023 would show that the Appellant has not been restrained from creating third party interest in the land in question. The injunction is operational only with regard to the business activities of the partnership firm. Since the *ad-interim* injunction does not relate to the land on which the retail outlet is situated, apprehension expressed by the Appellant seems unwarranted. However to avoid any confusion, it is clarified that the *ad-interim* order granted by the City Civil Court on 2 August 2023 will not affect the right, title, interest and possession of the Appellant-Corporation in the land on which retail outlet is situated. The Appeal is accordingly **disposed of**.

4. With disposal of the Appeal, Interim Application taken out for stay does not survive. The same is disposed of as having become infructuous.

NEETA
SHAILESH
SAWANT

Digitally signed by
NEETA SHAILESH
SAWANT
Date: 2023.09.15
10:49:33 +0530

SANDEEP V. MARNE, J.