

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

**SECOND APPEAL NO. 87 OF 2024
WITH
INTERIM APPLICATION NO. 1383 OF 2024**

Pramila Sopan Parkhe

...Appellant

V/s.

M/s. Ayodhya Construction Co. & anr.

...Respondents

Mr. Arun Panicker, *for the Appellant.*

CORAM : SANDEEP V. MARNE, J.

DATED : 20 February 2024.

P.C. :

1) The challenge in this Appeal is to the Order dated 19 October 2023 passed by the MahaRERA Appellate Tribunal directing that the application filed by the Appellant seeking interim relief would be taken up at the time of final hearing of the Appeal. The Appellant is thus aggrieved by non-grant of interim relief by the Appellate Tribunal in his pending Appeal.

2) The controversy before the Appellate Tribunal is in extremely narrow compass. The Appellant has already succeeded before the Regulatory Authority who has passed the Order dated 11 February 2019 directing execution of the agreement for sale in respect of the Flat of the Appellant. However, execution of the agreement is made conditional upon

procurement of permission from the Collector. To the limited extent of prescription of condition for procurement of Collector's permission as a pre-condition for execution of the Agreement for Sale, the Appellant has filed the Appeal before the Appellate Tribunal. Mr. Panicker, the learned counsel appearing for the Appellant, fairly submits that the Appellate Tribunal has infact commenced with final hearing of the Appeal but the hearing got derailed on account of certain queries by the Tribunal which required production of certain additional documents. Considering the nature of controversy involved in the present Appeal, in my view, instead of examining the issue whether the Appellant is entitled to interim relief during pendency of the Appeal before the Appellate Tribunal, it would be appropriate if the Appellate Tribunal is requested to take up the Appeal for hearing expeditiously.

3) Mr. Panciker would assure this Court that earnest efforts would be made by the Appellant for early disposal of the Appeal. In that view of the matter, the Second Appeal is **disposed of** with a request to the Appellate Tribunal to taken up the Appellant's Appeal for final hearing and to decide the same as expeditiously as possible, preferably within a period of six months from today.

4). With disposal of the Appeal, Interim Application taken out therein for stay does not survive. The same also stands disposed of.

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SANDEEP V. MARNE, J.