

HARSHADA H. SAWANT  
(P.A.)

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

**WRIT PETITION NO.8565 OF 2022**

Ajinkya Ajay Shah

.. Petitioner

**Versus**

Anjana Kishan Oswal and Ors.

.. Respondents

.....

- Mr. Prasad Pradeep Kulkarni, Advocate for Petitioner.
- Mr. Kalpesh Joshi a/w. Mr. Amar Parab i./by Kalpesh Joshi Associates, Advocates for Respondent Nos.1 and 2.

.....

**CORAM : MILIND N. JADHAV, J.**

**DATE : MARCH 22, 2024**

**P.C.:**

**1.** Heard Mr. Kulkarni, learned Advocate for Petitioner and Mr. Joshi, learned Advocate for Respondent Nos.1 and 2.

**2.** In view of Affidavit of undertaking dated 21.03.2024 filed by the Petitioner that Petitioner shall not create third party rights in respect of the suit property. The same is taken on record as an undertaking given to the Court as an adequate security until the disposal of the suit proceedings.

**3.** It is clarified that in addition to not creating third party rights, the Petitioner is restrained from even mortgaging the suit property without the leave of the Trial Court.

**4.** In that view of the matter, impugned order is sustained and accordingly stands modified in the above terms. At the joint request of

both the learned Advocates for expeditious disposal of the Suit, learned Trial Court is directed to dispose of Special Civil Suit No.1907 of 2019 as expeditiously as possible and in any event within a period of six months from today. Parties to the Suit are directed by this Court not to seek unnecessary adjournments and the learned Trial Court shall also not give unnecessary adjournments to the parties unless absolutely necessary.

**5.** With the above directions, Writ Petition is allowed and disposed.

H. H. SAWANT

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[ MILIND N. JADHAV, J. ]