

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.85 OF 2024

Pralhad Pandurang Pawar and Anr.

.. Applicants

Versus

Akbarali Ujjainwala and Anr.

.. Respondents

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- Mr. Swapnil Dhage, Advocate for Applicants.
- Mr. Kalpesh Joshi a/w. Narendra Devvansh i./by Kalpesh Joshi Associates, Advocates for Respondent No.1.
- Ms. Poornima Eapen a/w. Mr. Abhishek Gupta, Ms. Noopur Mathiawal and Allan David i./by MZM Legal LLP, Advocates for Respondent No.2.

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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 12, 2024

P.C.:

1. Heard Mr. Dhage, learned Advocate for Applicants, Mr. Joshi, learned Advocate for Respondent No.1 and Ms. Eapen, learned Advocate for Respondent No.2.

2. After hearing Mr. Dhage and passing order dated 13.02.2024 in which I have clearly delineated that I shall not be inclined to stay the order dated 24.08.2023 and after ascertaining the further facts in the present case I have clearly expressed my mind to Mr. Dhage. Mr. Dhage would submit that he has taken instructions to withdraw the Civil Revision Application.

3. It is clarified that this Court has not opined on any of the merits of the matters and all contentions of both the parties are kept

expressly open before the Trial Court.

4. Ms. Eapen, learned Advocate appears for ICICI Bank Limited and has placed on record a communication dated 30.03.2024 which is taken on record and marked 'X' for identification. This communication is addressed by the Applicants to the bank. It records that ICICI Home loan Account No.LBTNE00001910510, *inter alia*, in respect of the suit flat has been foreclosed on the Applicants depositing the amount of Rs.88,20,722/- on 30.03.2024.

5. Ms. Eapen would next submit that title documents in respect of the suit flat have been returned back to the Applicants – Defendants after closure of the above housing loan account on 06.04.2024 and acknowledgment to that effect of the Applicants – Defendants having received the same is also placed on record which is taken on record and marked 'X-1' for identification.

6. Mr. Joshi learned Advocate appears for the Plaintiff. He would submit that the Plaintiff was a licensee in respect of the suit flat and had deposited an amount of Rs.30,00,000/- as security deposit and there was a Memorandum of Understanding between the parties of which specific performance is sought for by the Plaintiff as also various other reliefs in respect of the suit flat also.

7. He would submit that Plaintiffs have filed Application below Exhibit-36 before the learned Trial Court and sought interlocutory

orders. He would submit that the Applicants – Defendants are delaying the hearing of the said Application. The learned Trial Court is therefore directed to hear Application filed below Exhibit-36 as expeditiously as possible and in any event within a period of four weeks from the next date of hearing.

8. In the meantime, the Applicants – Defendants are directed not to create any third party rights or alienate the suit flat so as to enable the learned Trial Court to pass appropriate directions which shall be so done strictly in accordance with law.

9. In view of the request made by Mr. Dhage for withdrawal of the Civil Revision Application, with the above directions, the present Civil Revision Application stands dismissed as withdrawn.

H. H. SAWANT

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[MILIND N. JADHAV, J.]