

WRIT PETITION NO. 912 OF 2024

Versus

- Mr. Sudhir Sadavarte, Advocate for Petitioners.
- Mr. Jaydeep Deo, Advocate for Respondents.

DATE : JANUARY 22, 2024.

P.C.:

which would operate until the disposal of the Suit proceedings. In view of the impugned order, Petitioners are severely prejudiced. He would submit that for carrying out development on the Petitioners' property, Petitioners have submitted building plans and all mandatory and requisite NOCs to the Planning Authority and are now faced with the prospect of defending the present suit proceedings. He would submit that it is for this very reason the Learned Appellate Court directed the suit proceedings to be determined within 6 months.

4. According to Mr. Sadavarte, Suit seeks specific performance of agreement wherein Petitioners have paid over the entire consideration to the Respondents. Thereafter, Petitioners have proceeded with development of the suit property and therefore any sort of injunction is detrimental to the Petitioners' right to develop the suit property.

5. I am in agreement with the submissions made by Mr. Sadavarte and equally inclined to ensure that the order passed by the learned Appellate Court for disposal of the Suit proceedings within 6 months is followed in letter and spirit. In the meanwhile, I am also of the opinion that the Petitioners should be allowed to proceed with the development on the Suit property without any embargo while making it clear that the outcome of the Civil Suit shall determine the substantive right of the parties in the suit property and no equity shall

be claimed by the Petitioners, who are entitled to carry out the development. Though Mr. Deo has made his preliminary submissions, he seeks time to obtain appropriate instructions as he was served with the papers today itself. At his request, time is granted up to 05th February, 2024. It is clarified that, this Writ Petition shall be disposed off on the next date at the stage of admission itself by passing appropriate directions.

6. Stand over to **05th February, 2024.**

[MILIND N. JADHAV, J.]

Ajay