

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3940 OF 2024

M/s. Constrokraft Realities LLP

...Petitioner

Vs.

Chinchwad Deosthan Trust & Ors.

...Respondents

Mr. Khushnood Akhtra with Mr. Vinay Karodia i/b. Mr. Shivaji Nirmale for
Petitioner.

Mr. Manoj Patil for Respondent No.1.

Mr. Atul Damle, Senior Advocate with Mr. Jagdish Aradwad (Reddy) for
Respondent No.3.

Ms. Shruti Vyas, Addl. GP with Ms. P. N. Diwan, AGP for State.

CORAM: G. S. KULKARNI &
FIRDOSH P. POONIWALLA, JJ.

DATE: 05 APRIL, 2024.

P.C.

1. We have heard learned counsel for the parties. Let the respondents
place on record reply affidavits to the petition.

2. Respondent no.1 is represented by Mr. Manoj Patil, learned counsel,
respondent no.3 is represented by Mr. Atul Damle, learned senior counsel and
respondent no.4 is represented by Ms. Vyas, learned Addl. GP.

3. Learned counsel for the petitioner submits that so far, no sale deed has
been executed between respondent no.1 and respondent no.3 in regard to the
property in question. His contention is that for the reasons as urged in the

petition and more particularly when the petitioner is offering an amount which is almost Rs.3.5 Crores i.e. more than what was offered by respondent no.3, the sale deed ought not to be executed, more particularly considering the previous orders as also a collusion, which is being alleged between respondent nos.1 and 3. Learned counsel for the petitioner also made a statement that his client is ready and willing to deposit an amount of Rs.7 Crores. He has also placed on record affidavit-cum-undertaking of the petitioner to that effect.

4. We shall hear the parties on all the issues on the adjourned date of hearing after reply affidavits are placed on record.

5. However, till the adjourned date of hearing, the sale deed be not entered with respondent no.3.

6. All contentions of the parties are expressly kept open.

7. Stand over to **19 April, 2024 (H.O.B.)**.

(FIRDOSH P. POONIWALLA, J.)

(G. S. KULKARNI, J.)