

*Shabnoor*

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

**WRIT PETITION NO.6277 OF 2024**

Shivaji Jaywant Takalkar ... Petitioner  
V/s.  
Ravindra Lalchand Karnwat & Ors. ... Respondents

Mr. Drupad Sopan Patil i/by Mr. Namitkumar S.  
Pansare for Petitioners.

Mr. Prajakt Arjunwadkar for Respondent.

**CORAM : AMIT BORKAR, J.**

**DATED : JULY 26, 2024**

**P.C.:**

1. Prima facie perusal of the order date 2 January 2023 statement on behalf of defendant No.5 made before the Court that the defendant No.5 does not intend to create any third party interest in the suit property.
2. However, it appears that thereafter third party interest in the suit property was created. By the impugned order the Trial Court rejected petitioners' application for striking out the defence observing that there is no willful or deliberately.
3. Prima facie it appears that the option available for respondent-defendant No.5 is to restore the position which was in existence on the date of making of statement i.e., 2 January 2023.

4. At this stage Mr. Arjunwadkar, learned counsel for respondent seeks time to take instructions as regards restoration the position as of 2 January 2023.

5. To enable him, to take instructions on the said point, stand over to **9 August 2024**.

(AMIT BORKAR, J.)