

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10861 OF 2024

Pinak Dhiraj Gala and Ors.

.. Petitioners

Versus

Mohammad Hashim Mohammad Quddus Ansari .. Respondent

.....

- Mr. Vishal Kanade a/w. Mr. Siddharth Kakka, Ms. Tanaya Patenkar and Mr. Paras Gosar i./by Mr. Siddharth Kakka, Advocates for Petitioners.
- Mr. K. K. Malpathak, Advocate for Respondent.

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CORAM : MILIND N. JADHAV, J.

DATE : AUGUST 07, 2024

P.C.:

1. Heard Mr. Kanade, learned Advocate for Petitioner and Mr. Malpathak, learned Advocate for Respondent.

2. After going through the complex maze of transactions or proceedings pending in the Civil Court between Plaintiff and the original owner (one Mr. Patil's family), the Executing Court as also another Civil Suit filed by the original owner against the predecessor-in-title of the Defendants before me, I am of the opinion that if the Defendants in the suit proceedings are attempting a reconciliatory approach then the Plaintiff should consider the same. I say this because Plaintiff is already embroiled not only in the present suit concerning a part of the larger property but also in execution proceedings as also another suit which is pending in the Civil Court

pertaining to another part of the larger property.

3. Be that as it may, without prejudice to the rights and contentions of both the parties, as suggested by Mr. Kanade, if Plaintiff can accept an offer made by Defendants to the extent of the Plaintiff being out of pocket and the monies are paid to Plaintiff in respect to the suit property alongwith interest the same may be considered by the Plaintiff.

4. *Prima facie*, and without expressing any opinion on merits, if the parties are able to reconcile it would enure to the benefit of all parties but that shall be the decision to be taken by Plaintiff only.

5. Both the parties are therefore requested by this Court to consider a reconciliatory approach and if any assistance of Court is required for appointment of Mediator, the same may be informed to the Court on the next adjourned date.

6. Stand over to **21st August, 2024**. To be placed under the caption '**First on Board**'.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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