

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11537 OF 2024**

Mehboob Gulab Tamboli

... Petitioner

versus

State of Maharashtra and ors.

.... Respondents

Mr. Gaurav Parkar, Advocate for the Petitioner.

Mr. Kushal Amin, B Panel Advocate for Respondent Nos.1 to 3.

CORAM : R. M. JOSHI, J.

DATE : 21st AUGUST, 2024.

P.C. :

1. Learned counsel for the petitioner submits that under the provisions of Maharashtra Money Lending (Regulation) Act 2014, proceeding was initiated by respondent Nos.4 and 5/original owners of the property in question. It is his grievance that though these respondents were party to the sale deed effected in favour of the petitioner by the alleged money lender, conveniently the petitioner was not joined as party respondent in these proceeding. It is his submission that passing order of cancellation of the sale-deed executed by these respondents in favour of the alleged money lender, has resulted into cancellation of the sale-deed in the favour of petitioner. It is his submission that in order to avoid any further complications, appropriate order is required to be passed, restraining respondent Nos.4 and 5 from creating third party interest in the subject property.

2. In the above circumstances, arguable case is made out by petitioner. In the interest of justice and to avoid further complications, respondent Nos.4 and 5 hereby are restrained from creating any third party interest in the proper in question till the next date of hearing.

3. Issue notice to the respondents returnable on 25th September 2024. In addition to usual mode of service, learned counsel for the petitioner is permitted to serve the respondents by private mode of service.

4. Mr. Amin, learned Advocate, waives service on behalf of respondent Nos.1 to 3.

(R. M. JOSHI, J.)