

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 412 OF 2024
WITH
INTERIM APPLICATION NO. 9243 OF 2024

Dr. Ganesh Ramchandra Mane And Another ...Appellants

Versus

M/s. Bhawani Construction Company And ...Respondents
Others

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CHAVAN

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Mr. Pradeep Thorat a/w Ms. Megha Shigavan and Ms. Kajal Chourasia
for the Appellants.

CORAM : M.M. SATHAYE, J.
DATE : 16th DECEMBER 2024

P.C. :

1. Heard learned counsel for the Appellants.
2. Court's attention is invited to order dated 23.10.2018 passed by the National Consumer Disputes Redressal Commission at New Delhi, which was apparently passed after due service upon present Respondent No.3. It is submitted that despite direction not to create 3rd party interest under said order, present Respondent No.3 has executed a registered Agreement of Sale dated 03.11.2022 in favour of Respondent Nos. 5 and 6. Learned counsel for the Appellants submits that the ad-interim is refused by the impugned order dated 16.05.2024 and if Respondent Nos. 5 and 6 are put in possession pursuant to the Agreement for Sale dated 03.11.2022, there will be irreparable loss. He submits on instructions that the Appellants are ready to amend the plaint for seeking decree of Specific Performance of Contract.

3. Office note shows that Respondent Nos. 3 and 4, who have created 3rd party interest, are not yet served.
4. Stand over to 18.12.2024 for service upon Respondent Nos. 3 and 4.

(M.M. SATHAYE, J.)