

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

**APPEAL FROM ORDER (ST.) NO. 22822 OF 2024
WITH
INTERIM APPLICATION NO. 11802 OF 2024
IN
APPEAL FROM ORDER (ST.) NO. 22822 OF 2024**

Mr. Vilas Vishwas Lad Appellant
v/s.

The State of Maharashtra and ors. Respondents

Mr. Upendra Mahadik i/b. Fast Track Legal for the Appellant.
Mr. Hemant Ghadigaonkar for Respondent Nos.2 and 3.

CORAM : SHYAM C. CHANDAK, J.

DATED : 20th AUGUST, 2024

P.C. :-

- 1) Not on board. Upon being mentioned, taken on board.
- 2) The Appellant filed S.C. Suit No.174/2024 before the learned Judge, City Civil Court, Greater Mumbai seeking various reliefs. The interim relief was requested by filing a Notice of Motion No.1819/2024. However, the learned trial Court rejected the Notice of Motion by the impugned Order dated 29th June, 2024.
 - 2.1) The learned Advocate for the Appellant submitted that, the effect of the rejection of the Notice of Motion would be that, the suit property will be taken in possession by the Respondent Nos.2 and 3 for non payment of the loan amount borrowed by the erstwhile owner of the suit property which the Appellant had purchased subsequently.

2.2) Mr. Hemant Ghadigaonkar, learned Advocate makes a statement that, he is appearing for Respondent Nos.2 and 3. Further, both the learned Advocates made a statement that, there is a possibility of an amicable settlement. The Appellant is present before the Court and, on instructions his learned Advocate made a statement that, as on date about Rs.33,00,000/- are due. This statement, at present, is not controverted by the learned Advocate for Respondent Nos.2 and 3. Learned Advocate for the Appellant further stated that, out of the aforesaid amount, the Appellant is ready to deposit total Rs.20,00,000/- in two installments i.e., 1st installment within 15 days from the date of uploading of this Order and the 2nd installment immediately within next 15 days. The said statement is accepted as an undertaking given to the Court.

3) In this background, the learned Advocate for Respondent Nos.2 and 3 has no objection to stay the execution and implementation of the attachment order dated 16th March, 2021 and confirmation order of attachment dated 16th April, 2021 passed by Defendant No.2 in respect of the tenanted premises situated at B/4, Ground floor, Mahatma Phule Sadan, Sakharam Balaji Pawar Marg, Curry Road, Mumbai – 400 013.

4) In view thereof, there shall be an ad-interim stay to the execution and implementation of the attachment order dated 16th March, 2021 and confirmation order of attachment dated 16th April, 2021 passed by Defendant No.2 in respect of the tenanted premises situated at B/4, Ground floor, Mahatma Phule Sadan, Sakharam Balaji Pawar Marg, Curry

Road, Mumbai – 400 013, till the next date.

4.1) In case of default in payment of the installment/s as above by or on behalf of the Appellant, the aforesaid ad-interim Order of stay shall stand automatically vacated without further reference to the Court.

5) Stand over to **03rd October, 2024** under the caption ‘for reporting compliance’ of present Order.

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(SHYAM C. CHANDAK, J.)