

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.15800 OF 2024
IN
WRIT PETITION NO.7358 OF 2009

Arun Yashwantrao Salunkhe and Ors.

...Applicants

In the matter between:-

Pundalik Shamrao Raut and Ors.

...Petitioners

V/s.

Madhav Yashwantrao Salunkhe and Ors.

...Respondents

Ms.Aarshada Shrikhande a/w Mr.Vaibhav Kaushish h/f Mr.Siddharth A. Mehta:-	Advocates for Applicants.
Mr.Ishaan Kapse:-	Advocate for Respondents.

CORAM : S. M. MODAK, J.

DATE : 19th DECEMBER 2024

P. C. :-

1. Though the matter was listed yesterday, it is not called out. Taken on board by way of *praecipe*.
2. Heard learned Advocate for some of Respondents/Applicants.
3. The prayer in the Interim Application is directing the Petitioners not to create third party rights in the suit property till disposal of the Writ Petition. The reason offered for filing this Application before this

Court is, grant of an ad-interim relief granted by this Court on 11th March 2010. It reads thus:-

“Heard learned counsel. Arguable questions are raised. Rule. Hearing is expedited. There will be interim relief in terms of prayer clause (d).”

The prayer clause (d) mentions about stay of Regular Civil Suit No.431 of 2005. The challenge in this Writ Petition is to an order passed by the trial Court on 18th June 2009 below Exhibit-36.

4. Even though the Petition is pending and even though the interim relief is granted, the first forum for making a request in the **Interim Application is the trial Court.** Hence, today, it is clarified that if the Applicants want some interim relief against the Petitioner, they are at liberty to approach the trial Court. The interim relief passed on 11th March 2010 need not come in the way of the trial Court in deciding such Application, if filed.

5. In view of that, **Interim Application stands disposed of.**

6. This Petition be listed on **3rd February 2025.** To be listed for **“Final Disposal”.**

[S. M. MODAK, J.]

