

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**APPEAL NO.64 OF 2024
IN
INTERIM APPLICATION (L) NO.27645 OF 2023
IN
SUIT (L) NO.16029 OF 2023**

Khush Housing Finance Private Limited : Appellant/
Through its authorized representative Orig.Defendant No.5
Vs.
Vikas Vishnu Gupta and ors. : Respondents
(Orgi. Defendant
Nos.6 to 19)

**ALONG WITH
INTERIM APPLICATION NO.970 OF 2024
IN
APPEAL NO.64 OF 2024
IN
INTERIM APPLICATION (L) NO.27645 OF 2023
IN
SUIT (L) NO.16029 OF 2023**

Khush Housing Finance Private Limited : Applicant/Appellant/
Through its authorized representative Orig.Defendant No.5
Vs.
Vikas Vishnu Gupta and ors. : Respondents
(Orgi. Defendant
Nos.6 to 19)

Mr. Cherag Balsara a/w Mr. Sandeep Barve, Mr. Santosh Wagh,
Ms. Sonali Patil and Ms. Archana Lad i/by B. K. Barve & Co. for
the Appellant/Applicant.

Mr. Aadil Parsurampururia a/w Mr. Tejas Agarwal, Mr. Ashutosh
Agarwal and Advocate H Shah i/by IC Legal for Respondent Nos.
1, 2 and 3.

Mr. Saurish Shetye i/by Yogesh Devnani, Mr. Rishikesh Mishra and Mr. Chirag Hathiramani for Respondent Nos. 4 to 7.

**CORAM : DEVENDRA KUMAR UPADHYAYA, CJ. &
ARIF S. DOCTOR, J.**

DATE : 07th MAY, 2024

P.C. :

1. The present Appeal impugns an order dated 18th October 2023 by which the Learned Judge has granted ad-interim relief.

2. Mr. Balsara, Learned Counsel appearing on behalf of the Appellant submits that the said ad-interim order came to be passed only because the Appellant had refused to continue to the statement made by them as recorded in the previous orders. He invites our attention to the statement made and points out that the Appellant had by the said statement undertaken not to create third party rights in respect of the properties more particularly described in Exhibits A and C to the plaint. He submits that since the Appellant had chosen not to continue to the statement, the Learned Judge, by way of the Impugned

Order, had restrained the Appellant *inter-alia* from dealing with and/or parting with the possession of the Suit properties more particularly described in Exhibits A, B and C to the plaint. Mr. Balsara submits that these properties exceed the statement of the Respondents. He submits that thus the Appellant cannot be faced with an order of injunction which is wider in terms than the statement made by the Appellant and put restraint on the Appellant from dealing with all the Suit properties.

3. The contentions of Mr. Balsara are disputed by Mr. Parsurampuria, Learned Counsel appearing on behalf of Respondent Nos. 1, 2 and 3. In any view of the matter, he pointed out that Respondent Nos. 4 to 7 have only served upon him today an Affidavit setting out that both the buildings in which the properties are situated have been attached by the Enforcement Directorate. He thus sought some time to deal with the said Affidavit, as also submitted that today the arguing counsel is unavailable. Mr. Parsurampuria submitted that in any event the matter has been fixed before the Learned Judge for

hearing on the Interim Application on 18th June 2024.

4. We have heard Learned Counsel and find that the Impugned Order is only an ad-interim order. The Interim Application is now pending and placed for hearing on 18th June 2024. It is thus open to the Appellant to raise all the contentions at the time of hearing of the Interim Application. Given that this is an ad-interim order which has been passed by the Learned Judge in the exercise of his discretion, we do not find it necessary to interfere in the Impugned Order at this stage. The present Appeal is therefore dismissed.

5. We however request the Learned Judge to endeavor to dispose of the Interim Application as expeditiously as possible and preferably within a period of three months from 18th June 2024 i.e. the next date on which the Interim Application is listed, subject to however the exigencies of the board.

(ARIF S. DOCTOR, J.)

(CHIEF JUSTICE)