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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 10455 OF 2024
IN
SECOND APPEAL NO. 427 OF 2024**

Shri Ramesh Anand Satpute ... Applicant

Vs.

Shri Abdul Badshah Mujawar ... Respondent

Mr. Ashok B. Tajane for the Applicant.

Mr. Deepak Lad for the Respondent.

CORAM : GAURI GODSE, J.

DATE : 17th MARCH 2025

ORDER :

1. This application is for injunction directing the parties to maintain status quo in respect of the suit properties and for stay of the execution of the impugned decree. The appeal is preferred by the original plaintiff who had filed the suit for specific performance of the suit agreement. The trial court had decreed the suit. However, the first appellate court has refused specific performance and directed the plaintiff to refund the earnest amount.

2. Learned counsel for the defendant who is the respondent in the second appeal has tendered affidavit in reply dated 24th September 2024. The affidavit in reply is taken on record.

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3. Learned counsel for the respondent submits that though an affidavit in reply is filed opposing the interim relief, he on instructions submits that the respondent shall not create any third party rights in respect of the suit properties and shall not part with possession in favour of any third party. The statement made on behalf of the respondent is accepted as an undertaking to this court.

4. In view of the aforesaid, during the pendency of the second appeal there will be interim stay to the execution and operation of the impugned decree.

5. The respondents statement is accepted that he shall not create any third party rights in respect of the suit property and shall not part with possession of the suit property in favour of third party during the pendency of the second appeal.

6. Interim application is allowed in the aforesaid terms.

7. Learned counsel for the appellant submits that respondent has shown willingness to amicable resolve the dispute. Parties are therefore at liberty to explore possibility of amicable settlement. Liberty to apply, if they arrive at any amicable solution.

[GAURI GODSE, J.]