

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.342 OF 2018
WITH
CIVIL APPLICATION NO.448 OF 2018**

Kavita Pradeep Lokhandem,
Through PAO Mr. Pradeep J. LokhandeAppellant
Vs.

Prasad Gangadhar Inamdar,
Prasad Enterprises Promoters &
DevelopersRespondent

Mr. Pradeep Salgar, i/b. Mr. S. S. Kanetkar, for the Appellant.
Mr. Vishwanath S. Talkute with Ms. Sampada S. Patil & Mr. Mahesh
Bhosale, for the Respondent.

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 24th NOVEMBER 2025

PC.:-

1. The present Appeal takes exception to order dated 23rd November 2017 passed by Civil Judge, Senior Division, Satara below Exhibit 5 in Special Civil Suit No.170 of 2017, thereby rejecting application seeking temporary injunction. On 15th January 2019, this Court by interim order restrained Respondent from carrying out construction activity at suit property. Prior to that on 20th December 2017, this Court restrained him from creating third party interest.

2. On 4th June 2019, the parties tendered on record of this Court

‘Terms of Settlement’, which are signed by power of attorney holder on behalf of Appellant and Respondent Shri. Prasad Inamdar. The terms are marked as Exhibit ‘X’ for identification. These terms are in nature of interim arrangement before parties record final settlement amongst them. Paragraph No.7 of Settlement Terms reads as under:

“7. It is hereby agreed by and between the parties that in case Respondent fails to make the payment of the first instalment on or before 31.07.2019, or also the 2nd instalment on or before 30.11.2019 and other payments due under MOUs on or before 30.11.2019, the interim arrangement as provided herein above, shall automatically come to an end and the interim order dated 20.12.2017 as also the order dated 15.01.2019 passed by this Hon'ble Court in the present Appeal from order thereby restraining the Respondent from creating third party rights and restraining the Respondent from carrying out any construction respectively shall revive forthwith.”

3. It is submitted by learned Advocates appearing for respective parties that Respondent could not pay amount, as agreed between parties.

4. In result, interim arrangement has automatically come to an end and, therefore, order passed in present appeal restraining

Respondent from creating third party interest or carrying out construction stands revived. The net result is that interim order as passed in present appeal would attain finality.

5. In that view of the matter, interim orders dated 20th December 2017 and 15th January 2019 passed by this Court restraining Respondent from creating third party interest in suit property and injunction from carrying further construction over suit property is made absolute and would be operational till disposal of suit. The Appeal stands disposed of in aforesaid terms.

6. In view of disposal of Appeal from Order, Civil Application also stand disposed of.

(S. G. CHAPALGAONKAR, J.)

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