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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 1378 OF 2025
IN
APPEAL FROM ORDER (ST) NO. 36744 OF 2024**

Girijadevi Damodar Prasad ... Applicant/Appellant

Vs.

Ranjana Edwin Mendosa and Others ... Respondents

Mr. Aseem Naphade a/w. Ms. Vilasani Subramanian, Mr. A. P. Singh
i/b. M/s. A. P. Singh and Co. for for the Applicant/Appellant.

CORAM : GAURI GODSE, J.

DATE : 3rd FEBRUARY 2025

ORDER :

1. Heard learned counsel for the appellant. This appeal challenges order passed by the City Civil Court refusing to grant ad-interim relief.

2. Learned counsel for the appellant points out that in the suit for specific performance of the agreement, the plaintiff has relied upon the payments made towards the entire consideration as is reflected in the receipt annexed to the suit agreement. He further submits that the next date in the City Civil Court is 13th February 2025. He further submits that till date the defendants have not filed any affidavit in

reply. He submits that there is an apprehension that the respondents might create third party rights in the suit properties which would cause prejudice to the appellant and would result into multiplicity of proceedings,

3. Learned counsel for the appellant relies upon the reasons stated in paragraph 3 of the application for condonation of delay.

4. In view of the aforesaid, issue notice to respondents along with copy of this order. Notice is made returnable on 17th March 2025.

5. In addition to court notice, learned counsel for the appellants to serve the respondents by private service along with copy of this order and file service affidavit before the next date.

6. During the pendency of this application the respondents shall not create any third party rights in respect of the suit property.

7. It is clarified that this order should not be construed as any stay to the further proceeding of the suit. The City Civil Court shall proceed with the suit.

[GAURI GODSE, J.]