

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.6621 OF 2024
IN
FIRST APPEAL NO.780 OF 2024

Abdul Mohamed Hanifa Ahmed ... Applicant.
Versus
Noor Mohd. Sayed Chand Shaikh and Anr. ... Respondents.

Mr. Shrikant Rathi for the Applicant.
Ms. Akshata Borade i/by Mr.Sugandh Zende for the Respondents.

Coram : Sharmila U. Deshmukh, J.
Date : March 13, 2025

P. C. :

1. Interim Application has been preferred seeking relief of restraining the Respondents from creating any third party rights in respect of the suit premises.
2. Learned counsel appearing for the Applicant has taken this Court through the impugned judgment and would submit that the finding of Trial Court is that the document in question gives rise to suit for specific performance which has not been prayed for in the present case. Pointing out to the prayers sought in the plaint, he submits that the substantive relief sought was specific performance of the sale-deed dated 19th April, 2005 and for possession, which has been misconstrued as a suit only for recovery of possession.

- 3.** Learned counsel appearing for the Respondent seeks time to file affidavit-in-reply. Let the affidavit-in-reply be filed within a period of two weeks. Rejoinder, if any, within a period of one week thereafter.
- 4.** Stand over to **3rd April, 2025**.
- 5.** Ad-interim relief granted earlier to continue till the next date.

[Sharmila U. Deshmukh, J.]