

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3762 OF 2025

M/s Mangal Vihar ... Petitioner

V/s.

M/s Rajas Jain Developers Pvt. Ltd. ... Respondent

Mr. Akash Rebello a/a Paras Gosar i/by Swati N. Chheda, for the petitioner.

Mr. Sumit Kothari a/w Deepashikha Godbole, for the respondent.

CORAM : N.J. JAMADAR, J.

DATE : 25TH JUNE 2025.

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1. Heard the learned counsel for the petitioner.
2. The challenge in this petition is to a judgment and order dated 7th December 2024 passed by the learned District Judge, Pune in an appeal preferred by the petitioners, whereby the appeal came to be dismissed affirming an order passed by the Trial Court whereby the petitioners were restrained from carrying out any further work of construction and alteration over the suit premises in any manner and from creating third party interest in the suit property or from inducting any third person in the suit property till the final decision of the suit.
3. Learned counsel for the petitioner submits that the petitioner does not intend to create any third party interest in the suit property. However, the petitioner who runs a hotel in the suit premises,

needs to carry out tenantable repairs, like changing the floors etc. Injunction order thus operate too broadly to the prejudice of the petitioner.

4. Learned counsel for the respondent invited attention of the Court to the order of the Appellate Court whereby the Trial Court had been directed to decide and hear the suit as expeditiously as possible and preferably by the end of June 2025.

5. In the aforesaid view of the matter, having regard to the prima facie findings recorded by the Trial Court and the Appellate Court, at this length of time, this Court does not consider it appropriate to entertain this petition. However, in the event the petitioner takes recourse to provisions under the Maharashtra Rent Control Act, 1999 to carry out the tenantable repairs, and the respondent/landlord refused to carry out the repairs or grant permission, the petitioner is at liberty to approach the Trial Court for such permission.

6. In the event such an application is filed, the Trial Court shall decide the same on its own merits and in accordance with law.

7. The petition stands disposed.

(N.J. JAMADAR, J)