

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3776 OF 2025

Vijay Narayan Gaikwad

..Petitioner

Versus

Vishwambhar Sadashiv Gaikwad & Ors

...Respondents

Mr. Vaibhav R. Gaikwad, for the Petitioner.

CORAM: N. J. JAMADAR, J.

DATED : 2nd APRIL 2025

P.C.:

- 1.** Heard the learned Counsel for the petitioner.
- 2.** The challenge in this Petition is to an order dated 12th December 2024, whereby an Application preferred by the petitioner to restrain the respondents from selling suit properties or creating third party interest therein till the disposal of the MA No. 1457 of 2023 preferred by the petitioner for restoration of SCS No. 1266 of 2015, which came to be dismissed for want of prosecution by an order dated 4th August 2023.
- 3.** Mr. Gaikwad, the learned Counsel for the petitioner, submitted that taking undue advantage of dismissal of the said Suit and pendency of the Application for restoration, the defendants have been creating third party interest in the suit property. It was, therefore, necessary to

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restrain the defendants from alienating the suit property or creating third party interest till the decision of the Application for restoration.

4. The Court is informed that the Application for restoration is listed before the Trial Court on 29th April 2025. Defendant nos. 1 to 6 have filed Reply to the said Application. Defendant no. 7 has sought leave to adduce evidence and, therefore, the said Application awaits adjudication.

5. Having regard to the relief claimed in the MA No. 1457 of 2023, it would be expedient that the said Application for restoration itself is decided as expeditiously as possible. Hence the learned Civil Judge, Senior Division, Pune, seized with MA No. 1457 of 2023 is requested to hear and decide the said Application as expeditiously as possible and, preferably, within a period of four months from the date of next listing of the said Application.

6. Petition disposed.

[N. J. JAMADAR, J.]