



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6727 OF 2025**

M/s. Dream Estate ... Petitioner
versus
Kailash Laxman Satav and Ors. ... Respondents

Mr. Atul Damle, Sr. Advocate with Mr. Akshay Deshmukh, Mr. Sumit Chaudhari i/by Sanket Kadam, for Petitioner.

Mr. G.S.Godbole, Sr. Advocate with Mr. S.C.Wakankar, for Respondent.

CORAM: N.J.JAMADAR, J.

DATE : 18 NOVEMBER 2025

P.C.

1. Heard the learned Counsel for the parties.
2. The challenge in this Petition is to an order dated 17 May 2025, passed by the learned District Judge in MCA No.179 of 2025, whereby the learned District Judge rejected the application preferred by the Petitioner – Appellant to stay the execution and operation of the order dated 9 May 2025, passed by the learned Judge, Court of Small Causes, Pune, appointing a Receiver in respect of building No.E, situated at Plot No.5, Survey No.66/3/12/1, till further orders in FD Application No.3 of 2025. The learned Judge was persuaded to pass the said order, as it was alleged that, there was violation of the injunction order passed by the Appellate Court.
3. Mr. Damle, learned Senior Advocate for the Petitioner, submits that, the decree holder is entitled to 1/7th share only and there are other properties.

The Petitioner is ready and willing to secure the flats, a list of which is tendered for the perusal of the Court. Therefore, the order of the appointment of the Receiver which has the effect of stalling the development work deserves to be quashed and set aside.

4. When this Court expressed its disinclination to entertain the Petition in view of the fact that the challenge is essentially to an interlocutory order, while the appeal still awaits adjudication before the learned District Judge, Mr. Damle submitted that, the Petitioner be granted liberty to file an application before the Court with a proposal that the Petitioner is willing to secure the flats by way of share of the decree holder.

5. Mr. Godbole, learned Senior Advocate for the Respondents, submits that despite the order dated 9 May 2025, the Petitioner has continued the development at the site and a report to that effect has been submitted by the Receiver to the Court, and, in breach of injunction order third party rights have been created.

6. Mr. Damle disputes the aforesaid submission.

7. In any event, as the order passed by the learned Judge, prima facie, appears to be in the nature of an interim arrangement and the Petitioner is willing to file an application before the trial Court to secure the flats, a list of which is tendered for the perusal of the Court, towards the share of the decree holder, it would be appropriate that the Petition is disposed of with

liberty to the Petitioner to file an application before the Trial Court. In the event, such an application is filed, the Trial Court is requested to decide the same on its own merits and in accordance with law.

8. All contentions of all the parties are kept open.

9. Mr. Damle submitted that, in view of the aforesaid liberty, the Petitioner will take steps for the disposal of the Misc. Appeal pending before the learned District Judge.

(N.J.JAMADAR, J.)