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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9407 OF 2025**

Kumar Pritamdas Gera ... Petitioner

VS.

Jayesh Vijaykumar Desai and Ors ... Respondents

Mr. Pralhad Pranjpe a/w. A. Patel a/w. Mr. Harshad Vyas and
Tirtha Pawar i/b. AVP Partners for Petitioner.

Mr. Karl Shroff, Ms. Sheetal Prakash a/w. Mr. Sriraj Menon, Mr
Avesh Ganja, Mr. Sandesh Panchal i/b. Satyaki law Associates for
Respondent No.1.

Ms. Durga Prasad Halwai (through VC) for Respondent No.2.

CORAM : GAURI GODSE, J.

DATED : 16th JULY 2025

ORDER:

1. Arguable grounds are raised. Hence, admit.
2. Notice on behalf of respondent no.1 and respondent no.2,
waived by their respective advocates.
3. Rule on interim relief in terms of prayer clause (d),
returnable on 15th October 2025.
4. Learned counsel for the petitioner(plaintiff) relies upon M R
Plan No. 2495 which is produced on record. He submits that the

M R Plan No. 2495, identifies the property which is purchased by the plaintiff. He submits that this M R Plan No. 2495 was not challenged by any party. He further submits that though the M R Plan No. 2495 was never challenged by the parties, both the courts relied upon the observations of the revenue authority by referring to this plan, while deciding the challenge to the mutation entry. He therefore, submits that the M R Plan No. 2495, which clearly demarcates the area which was not the subject matter of the sale deeds referred to in order dated 15th December 1988, supports the plaintiff's contentions that he is in possession of that demarcated area which is part of his sale deed.

5. He therefore submits that when the plaintiff has produced on record prima facie evidence to show his possession on the property purchased by him by relying upon M R Plan No. 2495, both courts by ignoring the same, have erroneously refused to grant the interim injunction. He further submits that the sale deed in favour of the petitioner is not under challenge. The counter claim filed by the defendants based on their title is rejected under Order VII Rule 11 of the Civil Procedure Code, 1908.

6. On perusal of the documents on record and more particular M R Plan No. 2495, prima face, I find substances in the points raised on behalf of the petitioner. Hence, till next date there will be

ad-interim relief in terms of prayer clause(d).

7. Respondents are at liberty to file affidavit-in-reply before the next date, with an advance copy to the learned advocate for the petitioner.

(GAURI GODSE, J.)