



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.11997 OF 2025**

Veena Garge	...	Petitioner
versus		
The State of Maharashtra and Ors.	...	Respondents

Mr. J.P.Sen, Senior Advocate with Mr. Kunal Vaishnav, Ms. Dhara Modi, Ms. Nandita Dethe i/by Singhania Legal Services for Petitioner.
Smt. Vaishali Nimbalkar, AgP for Respondent No.1.
Mr. Pranav Sampat with Ms. Rashika Bajpai i/by Khaitan and Co., for Respondent No.2.

CORAM: N.J.JAMADAR, J.

DATE : 19 SEPTEMBER 2025

P.C.

1. Heard the learned Counsel for the parties.
2. The challenge in this Petition is to an order dated 25 August 2025 passed by the learned Civil Judge, S.D.Sinnar, on an application (Exh.67) in Special Civil Suit No.46 of 2025. By the said order, despite having rejected the applications for interim reliefs (Exhs. 5 and 13), learned Civil Judge was persuaded to continue the order of restraining Defendant No.2 from selling the shares till the appeal period is over or filing of the appeal against the order below Exhs.5 and 13, whichever is earlier, purportedly in exercise of the power under Order 41 Rule 5(2) of the Code of Civil Procedure, 1908.
3. Without delving into the merits of the matter, the impugned order does not appear to be in consonance with the spirit of the provisions contained in

Order 41 Rule 5(2) of the Code, as the learned Civil Judge stayed the execution and operation of the order of rejection of the applications for interim reliefs (Exhs.5 and 13) till the expiry of the period of appeal. If at all the learned Civil Judge is intended to protect the interest of the Plaintiff, the restraint on the sale of the shares ought not to have been continued beyond the period of 30 days from the date of the said order. Once the interim applications were rejected, it was for the Plaintiff to expeditiously file an appeal and seek further orders from the Appellate Court.

4. In the aforesaid view of the matter, the Writ Petition stands disposed with a direction that the impugned order shall continue to operate till 26 September 2025 only.

5. In the meanwhile, the Respondent No.2 – Plaintiff is at liberty to file an appeal before the Appellate Court and seek appropriate orders from the Appellate Court in accordance with law.

(N.J.JAMADAR, J.)