

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 16478 OF 2025

Siddharth Subhash Deore And Anr ...Petitioners

Versus

M/S. Vijay Construction Nx Through Its
Partner Prashant Vijay Kahane And Anr ...Respondents

**SANTOSH
SUBHASH
KULKARNI**

Mr. Ganesh Bhujbal, for the Petitioners.

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SANTOSH SUBHASH
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Date: 2025.12.24
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**CORAM: N. J. JAMADAR, J.
DATED: 22nd DECEMBER, 2025**

Oral Order:-

1. Heard the learned Counsel for the petitioners.
2. The challenge in this petition is to a judgment and order dated 16th July, 2025, passed by the learned District Judge, Pune, whereby an appeal preferred by the petitioners against an order dated 24th March, 2023, passed by the learned Civil Judge, in RCS No.250 of 2021 to the extent, the prayer to restrain the defendants from creating any third party interest in respect of the suit premises, came to be dismissed.
3. The trial Court was of the view that, the defendants were required to be restrained from carrying out construction as per revised sanctioned plan B.P./Chikhali/16/2020 as there was breach of the provisions contained in Section 7 of the

Maharashtra Ownership Flats (Regulation of the promotion of Construction, Sale, Management and Transfer) Act, 1963.

4. The question of giving the premises on Leave and Licence would arise once the construction is carried out in accordance with the sanctioned plan. Thus, at this stage, there is no propriety in entertaining this petition, against concurrent *prima facie* findings.

5. The petitioners – plaintiffs are, however, at liberty to seek further injunctive relief, in the event, the defendants seek to create third party interest in the units of the suit premises.

6. Keeping open the aforesaid liberty, the petition stands disposed.

[N. J. JAMADAR, J.]