

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 113 OF 2025
WITH
INTERIM APPLICATION NO. 1920 OF 2025

Nitu Sharma wd/o Manish Sharma

Appellant

.. (Org. Plaintiff)

Versus

Joginder Ramlakhan Pankaj & Ors.

Respondents

.. (Org. Defendants)

.....

- Mr. P.J. Thorat a/w Mr. B.P. Shukla, Advocate for Appellant
- Mr. Abhishek Upadhyay a/w Ms. Bobby Dubey & Mr. Virat Gupta i/by Mr. Manoj Upadhyay, Advocates for Respondent No. 2

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CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 25, 2025

P. C.:

1. Heard Mr. Thorat, learned Advocate for Appellant and Mr. Upadhyay, learned Advocate for Respondent No. 2.

2. Appellant before me is the Plaintiff in the Suit. Suit is filed for seeking declaration that Defendant No. 1 is the trespasser of the suit property. Premise of the Suit is on the basis that suit premises belong to grandfather of the husband of Plaintiff. Grandfather, father in law of the Plaintiff and husband of Plaintiff have all expired. Plaintiff's case in the Suit plaint as informed by learned Advocates for Defendants is that they were tenant in the suit property. Defendants, rather Defendant No 1 would submit that he has purchased the suit property by virtue of the sale deed. Case of the Defendants is that

they have been in occupation and possession of the suit property for the past more than 12 years.

3. On the previous date i.e. on 20.02.2025, this Court (Coram : Gauri Godse, J.) passed order in the aforesaid facts restraining Defendants from creating third party rights. Considering the principal reliefs in the Suit, I have impressed upon Mr. Upadhyay that there will be no purpose served by keeping the present AO pending, rather it would be appropriate if directions are passed for expeditious decision in the Suit seeking declaratory reliefs. Needless to state that all questions of both parties shall be expressly kept open without this Court giving any imprimatur on the merits of the matter.

4. Mr. Upadhyay would persuade the Court to allow him to take appropriate instructions and thereafter apprise the Court on the next adjourned date. He would submit that he needs to discuss the aforesaid with his clients and only thereafter can make further submissions. At his request, stand over to **1st October, 2025 at 3.00 p.m.**

5. In the meanwhile, interim / ad-interim relief, if any, granted earlier shall continue.

[MILIND N. JADHAV, J.]

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