

MJ Jadhav

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 165 OF 2025**

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Sanjay Chaganbhai Solanki ... Appellant

VS.

Vishal Rameshchandra Doshi and Anr. ... Respondents

Mr. Abhishek Upadhyay a/w Sumandevi Yadav for the Appellant.

Mr. Makarand Raut for Respondent No.1.

CORAM : GAURI GODSE, J.

DATED : 10th MARCH 2025

ORDER :-

1. Heard learned counsel for the appellant. This appeal is preferred by the plaintiffs to challenge the refusal of ad-interim relief. The plaintiff i.e. the present appellant is claiming possession of the suit premises based on a conducting agreement.

2. Admittedly, leave and license agreement is in favour of respondent no.1. There is dispute regarding payments to defendant no.1 based on the conducting agreement. The conducting agreement refers to a arbitration clause. Hence, learned counsel for defendant no.1 submits that an application under Section 8 of the Arbitration Act is already filed in the suit.

3. In view of the aforesaid disputed facts involved in the appeal, the application for interim relief needs to be decided after the pleadings are complete and the respondents file their reply.

4. Since the notice of motion is still pending in the suit, any further reasons recorded by this Court is likely to adversely affect the rival contentions on merits of both the parties. Hence, I do not find it appropriate to record any further reasons.

5. In view of the disputed facts and the claim of the appellant based only on the conducting agreement, no fault can be found in the impugned order. The appeal is, therefore, dismissed.

6. It is clarified that the notice of motion and the application filed by respondent no.1 under Section 8 of the Arbitration Act shall be decided uninfluenced by the impugned order or any observations made in this order.

7. Needless to record that all contentions of the parties on merits are kept open.

(GAURI GODSE, J.)