

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.8352 OF 2025
IN
APPEAL FROM ORDER NO.299 OF 2025**

Snehal Gulab Ghule	...Applicant
<u><i>In the matter between</i></u>	
Snehal Gulab Ghule	...Appellant
Versus	
Abhijeet Tulshiram Kadam and Ors.	...Respondents

Mr. Simil Purohit, Senior Advocate a/w Chaitanya Nikte, Swapnil Sangle, Ritvij Kale i/b. Rajit Sahane, for the Applicant/Appellant.

Dr. Uday Warunjikar a/w Ms. Gargi Warunjikar, Girish Agrawal, for the Respondent No.1.

PALLAVI
MAHENDRA
WARGAONKAR

CORAM : ADVAIT M. SETHNA, J.

**DATE : 21 MAY 2025
(VACATION COURT)**

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PALLAVI MAHENDRA
WARGAONKAR
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P.C.:

1. Heard the learned counsel for the parties for some time.
2. Mr. Purohit, learned counsel for the appellant would draw the attention of the Court to the earlier orders passed in these proceedings, dated 12 March 2025 and 28 March 2025 and an order of the trial court i.e. 4th Jt. Civil Judge, Senior Division, Pune dated 26 March 2024.
3. By an order dated 28 March 2025, the court had ordered 'Rule on Interim Relief in terms of prayer clause (a)' which was made returnable on 20 June 2025. Thereafter, the respondent no.1 moved the trial Court by way of an application in Special Civil Suit No.327 of 2024, on which order dated 2 May 2025, was passed below Exh.51. The operative part of

the order reads thus :-

- “1) It is clarified that the Order Exh. 5 is applicable to only 6.00 H.R. land out of the in Gat No. 1213 Village Alandi Mhatobachi, Tal. Haveli, Dist. Pune.*
- 2] It is further clarified that the four boundaries mentioned in the plaint para No. 1 are of the entire 11.40 HR land.*
- 3] It is further clarified that on the basis of four boundaries the plaintiff can not restrain the defendants from alienating the land in 5.40 H.R. land.*
- 4] On the date of filing of the suit the entire 11.40 H. R. land was converted to the non - agricultural purpose.*
- 5] The entire 11.40 H.R. land in Gat No. 1213 is divided into plot No. 1 to 368. The layout map is attached with present application be treated it as part of the order.*
- 6] The order passed vide Exh. 5 is modified and now defendants are restrained from alienating or creating any third party interest in the plot No. 159 to 368 more particularly described in Pink Colour in the layout map attached with the present application.*
- 7] It is further clarified that the plot No. 1 to 158 are not subject matter of the present suit property. Thus, the order dated 26/03/2024 passed by vide Exh. 5 will not affect any way the alienation, sale, transfer of these plots.*
- 8] Accordingly, application is allowed.”*

4. Mr. Purohit would submit that from 26 March 2024 to 28 March 2025 i.e. almost for a period of one year, status-quo has continued. According to him, the same should continue for some more time failing which grave and irreparable prejudice would be caused to the petitioner particularly, if the subject property is sold by the respondent no.1 and/or any third party rights are created in respect of the subject property by respondent no.1.

5. Dr. Warunjikar, learned counsel for the respondent no.1 would

vehemently oppose the submissions of Mr. Purohit. He would refer to the order dated 12 March 2025 of this Court to submit that if there is any change proposed in the nature of the suit land, the Court had specifically directed that the same shall not affect the 6 H area claimed by the plaintiff. It is in such circumstances that the respondent no.1 approached the trial Court.

6. On hearing the parties at some length, it appears that arguable issues are involved. However, as the matter is placed before the Vacation Court on the ground of extreme urgency, it is made clear that no opinion is expressed on the merits of the controversy. It appears from the record that the proceedings have been moved before this Court from time to time, the last order passed was dated 28 March 2025 by which Rule on Interim Relief has been granted in terms of prayer clause (a), made returnable on 20 June 2025. It is not disputed that pursuant to this order, respondent no.1 has moved the trial Court and the order dated 2 May 2025 as noted above was passed.

7. In the above circumstances, only as a limited relief, to balance equities, in the interest of justice, it is ordered that no third party rights in respect of the 6H of the property as noted above, be created by respondent no.1 until 9 June 2025 i.e. the adjourned date of hearing.

8. Dr. Warunjikar would strenuously urge that the applicant should deposit the entire amount before this Court as the law would mandate. Mr.

Purohit would oppose such contention. At this juncture, Mr. Purohit, on instructions states that an application in regard to deposit of amount is already made before the regular court on which no orders are passed. Dr. Warunjikar would dispute such position.

9. Be that as it may, all such submissions can be urged before the regular Court on the adjourned date of hearing including on deposit of amounts by the appellant, as the respondent would insist. The regular Court on hearing the parties would pass appropriate orders on the returnable date.

10. List the proceedings on **9 June 2025** for further consideration.

[ADVAIT M. SETHNA, J.]