

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 9568 OF 2025
IN
FIRST APPEAL NO. 393 OF 2025

Hitesh Anand Kuvelkar

...Applicant

Versus

Bolloor Yogesh Bangera

...Respondent

Mr. Hitesh Anand Kuvelkar Applicant-in-person present.

Mr. Satya shettigar for Respondent.

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CORAM : M.M. SATHAYE, J.

DATE : 1st AUGUST, 2025

P.C. :

1. Heard Applicant-in-person and learned Counsel for the Respondent.

2. The Applicant is original Plaintiff who had filed suit for recovery of money. After trial and on appreciation of evidence, the suit is partly decreed by the impugned Judgment and decree. The Respondent/Defendant is directed to pay Rs.10 lakh along with interest. Applicant has filed appeal for enhancement towards claim of part of interest and remaining amount claimed.

3. The Applicant seeks injunction against Respondent from selling, disposing or alienating a flat and further seeks direction to disclose his property, based on interim order dated 09.05.2015 which was passed during pendency of the suit.

4. Learned Counsel for the Respondent on instructions, states that Respondent is ready to deposit the entire amount under impugned Judgment and Decree along with interest in this Court within a period of 4 weeks from today. Statement is accepted.

5. Suit is for only for recovery of money based on MoU and there is no prayer for specific performance in respect of the said flat. Execution of decree is offered to be secured by depositing the money. In that view of the matter, without full fledged hearing of the appeal, it is not possible to restrain the Respondent about the said flat, when the Trial Court has already held that Applicant is not entitled to recovery of full amount, interest and compensation as claimed.

6. The application is therefore **disposed of** by passing following order.

(A) The Respondent is directed to deposit the entire decretal amount with interest in this Court within a period of 4 weeks from today.

(B) The Applicant is at liberty to seek its withdrawal by filing an application, on which order can be invited.

(M.M. SATHAYE, J.)