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

**INTERIM APPLICATION NO. 10254 OF 2025
IN
FIRST APPEAL (ST) NO. 21682 OF 2025**

Dhananjay Vishnu Kulkarni ...Applicant
Versus
Shubhangi Arvind Joshi (Mandakini
Vishnu Kulkarni) & Ors. ...Respondents

Mr. Sharad Chandrachood for the Applicant
Mr. Abhay L. Patki a/w. Ms D. Prasad for the Respondent No. 1

CORAM : M. M. SATHAYE, J.

DATED : 28th JULY 2025

P.C.:

1. Leave is granted to amend prayer clause (b). Amendment to be carried out during the course of day.
2. Heard learned Counsel for the Applicant and learned Counsel for the Respondent No. 1/Original Plaintiff (contesting Respondent).
3. Prayer clause (a) that the Appeal itself be heard at the admission stage cannot be considered as the Appeal is admitted today by separate order.
4. Parties are closely related as brother and sister. The impugned Judgment and Decree is of partition of the suit properties viz. a flat at Chembur and a plot alongwith bungalow at Pune. The Appeal is restricted to the flat at Chembur. It is pointed out by learned counsel for the parties that under order dated

07/08/2024 in WP/6255/2024, after hearing the present contesting parties as well as the society (which was made party to that Petition), interim arrangement in respect of Chembur flat was ordered by this Court.

5. Perused the said order dated 07/08/2024.

6. Since the Appeal is admitted and the rival claims are under consideration of this Court in substantive First Appeal, it would be in the fitness of things that, so far as the Chembur flat is concerned, interim arrangement between the parties under the said order dated 07/08/2024 shall continue during pendency of the present appeal.

7. Needless to mention that the Appellant shall be entitled to receive transit rent, as per order dated 07/08/2024, subject to all the undertakings recorded thereunder which shall continue to operate between the parties.

8. Learned Counsel for the Appellant submits on instructions that the impugned Judgment and Decree can proceed to the extent of other suit property at Pune. Statement accepted.

9. The said arrangement will be subject to final outcome of the present Appeal. The Interim Application is disposed of.

(M. M. SATHAYE, J.)