

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO.1284 OF 2025
IN
EXECUTION APPLICATION (L) NO.9708 OF 2025

MR.CHHAGANLAL KARSANDAS DANANI)...APPLICANT

V/S.

MR.BHARAT THAKKAR AND OTHERS)...RESPONDENTS

Mr.Akshay Patil a/w. Mrs.Rashmi Doshi, Ms.Devika Mahadekar.
Mr.Bhuvan Thakkar i/by Malvi Ranchoddas & Co., Advocate for the
Applicant.

Mr.Aseem Napahade a/w. Mr.Paresh Shah i/by M/s.Shah & Sanghavi,
Advocate for the Respondents No.3 and 4.

Ms.Shraddha Achliya, through Video Conferencing a/w. Mr.Shishir S.
Manjrekar i/by Shah Legal, Advocate for the Respondents no.5 to 9.

Mr.PN.Modi, Senior Advocate a/w. Mr.Kyrus Modi, Mr.S. Puranik,
Mr.Kishor More i/by M/s.Narayanan & Narayanan, Advocate for the
Respondents no.1, 2 and 10 to 12.

Ms.Vaishali Ugale i/by Ms.Komal Punjabi, Advocate for the Respondent
no.13 -BMC.

CORAM : ABHAY AHUJA, J.

DATE : 14th JULY, 2025

PC. :

1. This Interim Application primarily seeks restraint on Respondents no.1 to 12 from creating third party rights or carrying out any construction activity with respect to Plots 'H', 'G' and original Plot 'L' as per the consent terms layout plan and any other portions comprising of the Suit lands including all accommodation reservation plots.

2. When the matter is called out, Mr.Patil, learned Counsel, appears for the Applicant and submits that the Applicant, as a partner of Swas Construction Company, was entitled to part of the Plot 'L' which the Respondents no.1 and 2 have assigned to the Respondents no.3 and 4 and that the Respondents no.3 and 4 are not recognizing its rights and have infact applied for approvals of plans to construct on Plot 'L' and that, therefore, this application seeking a restraint.

3. Mr.Modi, learned Senior Counsel, appearing for the Respondents no.1, 2 and 10 to 12 disputes the said submissions. Mr.Modi further submits that notice under Order XXI Rule 22 of the Code of Civil Procedure, 1908 ("CPC") has not yet been received.

4. Mr.Patil disputes the same and submits that after entering appearance, such a dispute cannot be raised by the Respondents.

5. Mr.Naphade, learned Counsel, appearing for the Respondents no.3 and 4 seeks some time to take instructions in the matter submitting that he has just been briefed in the matter.

6. Ms.Shraddha Achliya, learned Counsel, appears for the Respondents no.5 to 9 and submits that there is an arbitration proceeding pending between her clients and the Applicant in respect of a tripartite agreement and that, in fact, the dispute in this Court ought to be referred to arbitration.

7. Mr.Patil disputes the said submissions but expresses his apprehension that if a restraint is not granted, third party rights would get created in respect of his entitlement.

8. However, since time is being sought by Mr.Naphade appearing for the Respondents no.3 and 4 to take appropriate instructions in the matter, list on **21st July 2025**.

9. Registry to accept the replies. Parties are at liberty to file replies / rejoinders by the next date with copy to the others.

10. In the meanwhile, till the next date, parties are directed to maintain *status-quo* in the matter.

11. Parties are also at liberty to amicably settle the matter.

(ABHAY AHUJA, J.)