



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**APPEAL AGAINST ORDER NO.18 OF 2025**

Amarlal s/o. Narayandas Katariya **Vs.** Suresh Krishnarao Bhole (Dead) thru. Lr's.

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*Office Notes, Office Memoranda of  
Coram, appearances, Court's Orders  
or directions and Registrar's order*

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*Court's or Judge's Order*

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Mr. P R. Chakole, Advocate for appellant.

Mr. Abhijeet Khare, Advocate for respondent Nos. 1(a) and 2s

**CORAM : ROHIT W. JOSHI, J.**

**DATE : 21.11.2025.**

. The appeal was argued by both sides for some time. Respondent No.1(a) and 1(b) are personally present in the Court. The respondent Nos.1 and 2 are the original plaintiffs, they have filed a suit for partition and separate possession with respect to several properties, one of which is an immovable property bearing Plot No.3 alongwith building constructed thereon, situated at West High Court Road, Dharampeth, Nagpur. The present appellant Nos.1 and 2 have purchased 37.5 % undivided share in the said land alongwith some portion in the building, vide sale deed dated 12.10.2010, from one Avinash Krishnarao Bhole.

2. The appellant Nos.3 to 5 have subsequently purchased some portion of the property purchased by appellant No.1 and 2, vide different sale deeds.

3. After the appeal was heard for some time, the learned Advocate for respondent Nos.1 and 2/original plaintiffs suggested a via-media that temporary injunction granted vide impugned order dated 19.11.2024, passed by the learned 15<sup>th</sup> Jt. Civil Judge,

Senior Division, Nagpur on application at Exh.51 in Special Civil Suit No.202/2012 can be vacated subject to condition that, in the event the appellants create third party interest over the suit property pending the suit, they shall make disclosure about the pending civil suit in the document to be executed in favour of prospective purchaser. He states that lis pendens is already registered with the concerned Sub-registrar. He also makes a request that the City Survey Authority may be directed to record entry with respect to the pending civil suit in the property card of the suit property so as to ensure that the prospective purchaser is aware about the pending litigation.

4. The learned Advocate for the appellants states that lis pendens is a sufficient safeguard for the respondents/original plaintiffs. However, in my considered opinion, since the plaintiffs have agreed for vacating the injunction and apart from safeguarding the interest of parties it is also necessary to safeguard interest of prospective purchasers. The prospective purchasers must be fully aware about the ongoing civil suit. In that view of the matter, in my considered opinion, the request by Mr. Khare that entry of pending litigation should also be taken in City Survey Record is reasonable. In view of the above, the appeal is **allowed** in the following terms:-

1) Order dated 19.11.2024 passed by the learned 15<sup>th</sup> Jt. Civil Judge, Senior Division, Nagpur on application at Exh.51 in Special Civil Suit No.202 of 2012 is quashed

and set aside and the said application for grant of temporary injunction at Exh.51 is rejected.

2) Any third-party interest created by the appellants will obviously be subject to lis pendens.

3) The appellants are directed to disclose the fact of pending civil suit to any prospective purchaser, transferee or assignee of third party interest.

4) The document of transfer shall specifically make reference to the case number.

5) The respondents/plaintiffs are at liberty to move appropriate application before the concerned City Survey Officer for recording entry with respect to the pending litigation in City Survey Record and property card. If such application is made entry with respect to the pending litigation shall be recorded by the concerned City Survey Officer.

**(ROHIT W. JOSHI, J.)**

***Tanmay...***