

Ajay

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

**APPEAL FROM ORDER NO. 24 OF 2026
WITH
INTERIM APPLICATION NO. 185 OF 2026
IN
APPEAL FROM ORDER NO. 24 OF 2026**

Noor Mohammed Ibrahim Tambe

Appellant
.. (Orig. Plaintiff)

Versus

Ganesh Laxman Bhargav

Respondent (Orig.
.. Defendant)

-
- Mr. Akshay Kapadia, Advocate for Appellant.
 - Mr. Jagdish Narayan Jayale, Advocate for Respondent.
 - Noor Mohammed Ibrahim Tambe, Appellant is present.
 - Mr. Ganesh Laxman Bhargav, Respondent is present.

.....

**CORAM : MILIND N. JADHAV, J.
DATE : APRIL 10, 2026.**

P.C.:

1. Heard Mr. Kapadia, learned Advocate for Appellant and Mr. Jayale, learned Advocate for Respondent.
2. Parties have reconciled their disputes and filed Minutes of Order. Today Minutes of Order dated 10.04.2026 executed between the parties are filed in Court and the same is taken on record and marked 'X' for identification. Minutes of Order are duly signed by Petitioner, Respondent and their respective Advocates. They confirm execution of the Minutes of Order.
3. Minutes of Order are running into 5 pages. For the sake of reference and convenience, Minutes of Order are scanned and reproduced below:-

10.4/2026

(1)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE CIVIL JURISDICTION

APPEAL FROM ORDER NO. 24 OF 2026

Noor Mohammed Ibrahim Tambe

....APPELLANT

V/S

Ganesh Laxman Bhargav

....RESPONDENT

Mr. Akshay Kapadia for Appellant

Mr. Jagish Jayale for Respondent

CORAM : HON'BLE SHRI JUSTICE MILIND N. JADHAV J

DATE : 10th April, 2026

MINUTES OF ORDER

1. That the Appeal from order is arising from the order dated 27.02.2025 passed by City Civil Court at Dindoshi (Borivali Division) in Notice of Motion 3355 of 2023.
2. That in the said notice of motion following reliefs were claimed by the appellant who is original Plaintiff.-

(a) That till the pending and hearing final disposal of the suit this Hon'ble court may kindly to direct defendant amount to the tune of Rs. 27,64,010/- (Rs. Twenty-Seven lac Sixty-Four thousand and ten only) from January 2022 month to the Plaintiff as a mesne profit which the plaintiff is

[Signature] *[Signature]*

(2)

earning by occupying the suit premises and conducting the business illegally. further order to this Defendant to deposit the monthly compensation till the land over the possession of Suit premises to this Plaintiff and allowed this Plaintiff to withdraw. The Compensation is whenever deposited by the Defendant.

(b) That till the pending hearing and final disposal of the suit, the Defendant by themselves, their legal heirs, directors, servants, agents dealers, stockiest and distributor be restrained by a temporary order and injunction of this Hon'ble Court from creating third party interest or creating any kind of lien, mortgage or subletting the property on leave and license or in any other manner whatsoever.

(c) That till the pending the hearing and final disposal of the suit, the



(5)

Defendants by themselves, their legal heirs, their directors, servants and agents, be restrained by a temporary order and injunction of this Hon'ble Court to conduct the business over the suit premises from or in any other manner whatsoever.

(d) That till pending the hearing and final disposal of the suit, this Hon'ble Court, be kindly make an appointment under Order XL Rule 1 of Civil Procedure Code, 1908 as the Court Receiver in respect of taking possession of the Suit Premises and further appoint the Plaintiff as an agent of Court receiver to conduct the operation of running the Business of Floor Mill.

(e) That till pending the hearing and final disposal of the suit, this Hon'ble Court, be kindly direct the Defendant to produce Books of accounts from January 2022 till date in respect of



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revenue generated from the Suit Premises and further may be direct the Defendant to deposit revenue on the basis of Electricity unit consumed in the Suit Premises from April 2023 onwards.

3. That without prejudice to the rights and contention of the both parties the parties have agreed to the following terms:-

- I. The Respondent shall pay on account to the Appellant a sum of ₹35,000/- (Rupees Thirty-Five Thousand Only) per month, commencing from April 2026, on or before the 10th day of each succeeding month, until the final disposal of S.C. Suit No. 1362 of 2023 pending before the City Civil Court at Dindoshi (Borivali Division).
- II. In the event of default in payment by the Respondent to the appellant as mentioned above, the appellant shall be having liberty to approach this Hon'ble Court for the appointment of the Court Receiver, High Court, Bombay upon the suit property.
- III. In view of the above minutes, the application filed by the Respondent for permission to deposit the arrears of rent in RAD Suit No. 190 of 2022 shall stand disposed off as withdrawn.
- IV. S.C. Suit No. 1362 of 2023 pending before the City Civil Court at Dindoshi (Borivali Division) and R.A.D. Suit No. 190 of 2022 pending before the



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Small Causes Court at Bandra Branch are hereby expedited. The concerned Courts are requested to endeavor to dispose of the said suits within a period of six (6) months from the date of this order.

- V. The concerned Courts shall decide the aforesaid suits independently, on their own merits, and without being influenced by any observations made in the present order.
- VI. There shall be no order as to costs.
- VII. The Appeal from Order, along with the Interim Application, stands disposed of in the aforesaid terms.

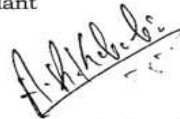
[MILIND N. JADHAV, J.]



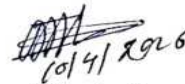
Appellant



Respondent



Advocate for the Appellant



Advocate for the Respondent

Date 10th Day of April 2026

Place Mumbai

4. The obligations and undertakings given by the parties in the Minutes of Order are recorded and accepted as undertakings given to this Court.

5. Parties are directed to abide by the same.
6. Order in terms of Minutes of Order.
7. Appeal From Order is disposed of in terms of above Minutes of Order.
8. In view of disposal of Appeal From Order, pending Interim Application No.185 of 2026 is accordingly disposed.

[MILIND N. JADHAV, J.]

Ajay

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TRAMBAK
UGALMUGALE

Digitally signed
by AJAY
TRAMBAK
UGALMUGALE
Date: 2026.04.10
20:26:19 +0530