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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 38458 OF 2025

IN

INTERIM APPLICATION NO. 11865 OF 2025

IN

WRIT PETITION NO. 145 OF 2000

Sanjay Machindranath Balkawade and others ... Applicants

In the matter between :

Kisan Shankar Shelke,
since deceased through his legal heirs and others ... Applicants
(in IA-11865-2025)

In the matter between :

Kisan Shankar Shelke,
since deceased through his legal heirs and others ... Petitioners

Versus

Hirabai Bahiru Karanjkar and others ... Respondents

.....

Mr. Amol Gatne, Advocate for the Applicant in IA-38458-2025.
Mr. S.S. Redekar, Advocate for the Applicants in IA-11865-2025.
Mr. Anil Anturkar, Senior Advocate, (through VC) for the Intervenor.

.....

CORAM : ABHAY AHUJA, J.

DATE : 17 MARCH 2026

P.C. :

Interim Application No. 38458 of 2025 :

1. When the matter is called out, Mr. Anturkar, learned Senior Counsel, appears for the Intervenor in Interim Application No.38458 of 2025 and submits that the two Applicants are seeking intervention in

the Writ Petition and the connected matters, in as much as by an Agreement for Sale dated 28th October 1998, the Respondents in Interim Application No.11865 of 2025 have agreed to sell to the Applicants the land bearing Survey No.54/3, admeasuring 147 Are and 0.01 PK, situated at Village Bhagur, District Nashik (the “subject property”), which is the very same survey number in respect whereof a modification is being sought to the consent terms dated 14th August 2025, pursuant to which modification, 50% of the property with the Respondents in Interim Application No.11865 of 2025 would get transferred to the Petitioners.

2. Mr. Anturkar, learned Senior Counsel, submits that already Rs.2,54,000/- has been paid by the Interim Applicants to the said Respondents and that the Applicants are ready and willing to pay the balance for transfer of the subject property in their names.

3. Mr. Redekar, learned Counsel, appears for the Interim Applicants in Interim Application No.11865 of 2025 and submits that a separate suit ought to have been filed by the Applicants in Interim Application No.38458 of 2025 for enforcing specific performance of the Agreement dated 28th October 1998.

4. None is present on behalf of the Respondents in Interim Application No.11865 of 2025.

5. Be that as it may, since none appears for the Respondents in Interim Application No.11865 of 2025 today, in my view, without hearing them, Interim Application No.38458 of 2025 cannot be decided.

6. List on **16th April 2026**.

7. Let this order be intimated to the learned Advocate appearing for the Respondents in Interim Application No.11865 of 2025 and also to the Respondents in Interim Application No.38458 of 2025.

(ABHAY AHUJA, J.)