



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 544 OF 2026

Sonu Rajmal Jain

...Appellant

Versus

Prem Dasu Kotian & Others

...Respondents

*Mr. Aseem Naphade, Ms. Chitragada Singh, Mr. Chetan Verma i/b Clove
Legal for Appellant.*

Mr. S. B. Amin, Mr. Shailesh Amin for Respondent No. 1.

Ms. Miloni Shah for Respondent No. 3.

CORAM : SHARMILA U. DESHMUKH, J.

DATE : 11th June, 2026

P. C. :

1. The Appeal has been preferred against the order dated 8th January, 2026 partly allowing the Notice of Motion restraining the Defendants from creating third-party rights in suit property till the final disposal of the suit.

2. Mr. Naphade, learned counsel appearing for Appellant would submit that the Appellant who is original Defendant No. 5 is *bona fide* purchaser for value having parted with consideration of about Rs. 1.75 crores and has been put into possession of the said premises. He would submit that the Trial Court has failed to take into consideration several

documents which indicate a family arrangement between the Plaintiffs and Defendant Nos. 1 to 4 by which the subject property came to share of Defendant No. 1 who has sold the same to Defendant No. 5. He submits that therefore, the right of Defendant No. 5 to deal with its own property cannot be restrained by the order of injunction.

3. I have considered the submissions and perused the record.

4. By the impugned order, the Defendants are restrained from creating any third-party rights in the subject property. As of today, the suit is still pending and after evidence is led, the final rights of the parties will be determined. The equities can be balanced by modifying clause (2) of the impugned order and granting liberty to Defendant No. 5 that in event, any third-party rights are intended to be created, the Defendant No. 5 can approach the Court and seek leave in that regard.

5. Learned counsel appearing for the original Plaintiff does not oppose the said modification.

6. In view thereof, the Appeal from order is disposed of by modifying clause (2) of the operative part of the order as under :

“The Defendants and any person acting for and on behalf of the Defendant are hereby restrained from creating third-party right, interest, charge on the suit property till the final disposal of the suit property. The Defendant No. 5 is at liberty to seek leave of the Court before creating any third-party right in the suit premises. In event, any such leave is sought for, the application to be decided on its own merits and in accordance with law.”

7. The Appeal from order stands disposed of.
8. Nothing survives for consideration in pending applications, if any, and the same stand disposed of.

[SHARMILA U. DESHMUKH, J.]