

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

CIVIL REVISION APPLICATION NO. 40 OF 2026

Pankh Properties Private Limited ..Applicant
Versus
Yasmin Rustom Dursetji and Ors ...Respondents

Mr. Nigel Quraishy, with Jahnavi Pandey and Namrata Kondavale, i/b
Dhru & Co, for the Applicant.
Adv Riddhi Shah, i/b Sarosh Damania, for Respondent Nos. 1 and 2.

CORAM: N. J. JAMADAR, J.
DATE : 27th JANUARY 2026

ORAL ORDER:

1. Heard the learned Counsel for the parties.
2. The challenge in this Civil Revision Application is to an order dated 7th October 2025 passed by the learned Judge, City Civil Court, Greater Mumbai, in Notice of Motion No. 2799 of 2025 whereby the learned Civil Judge has restrained the Applicant-original Defendant No.2 and Respondent No.3-original Defendant No.1, from creating any third party interest or selling or transferring the suit property till the final disposal of the SC Suit No. 971 of 2025, which is instituted under Section 6 of the Specific Relief Act.

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3. In the said suit, Respondent Nos. 1 and 2 took out a Notice of Motion to restrain the Defendants from selling, disposing, assigning or otherwise creating the third party rights in the subject property.

4. By the impugned order, the learned Judge has restrained Defendant Nos. 1 and 2 from creating third party interest in the suit property till the final disposal of the suit.

5. It is the contention of the Applicant-Defendant No.2, that the Plaintiffs were seeking the injunctive relief against Defendant No.1 only. Attention of the Court is invited to the averments in the Plaint and the prayers in the Notice of Motion, especially prayer clause (ii).

6. Ms. Shah, the learned Counsel for Respondent Nos. 1 and 2, the original Plaintiffs, on instructions, submits that the Plaintiffs were indeed seeking the injunctive relief of temporary injunction against Defendant No.1 only. The Plaintiffs have, thus, no objection to modify the impugned order so as to restrict the interim injunction qua Defendant No.1 only.

7. In view of the aforesaid submissions and the material on record, the Revision Application stands allowed and the clause (2) of the impugned order dated 7th October 2025 stands modified to the effect that “only Defendant No.1 is thereby restrained from creating third party interest or selling or transferring the said property to anybody by any means till the final disposal of the Suit”.

8. Application disposed.

[N. J. JAMADAR, J.]