



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

**81 INTERIM APPLICATION NO. 5324/2025
IN
EXECUTION APPLICATION (L) NO. 4518/2021**

B R Builders And Developer ..Applicant

In the matter between

Ashok Phootarmal Jain & Anr. ..Applicants

vs.

Chandrashekhar Ganpat Rane ..Respondent

Adv. Amol Ghurde h/f. Adv. Pramod Kathane for applicant.

Adv. Vidya Nair i/b. Adv. Alisha Pinto for decree holder.

CORAM : RAJESH S. PATIL, J.

DATE : 9 JANUARY 2026.

P.C. :

1) This interim application has been filed by third party seeking to recall the orders passed by this Court in Interim Application No. 3779/2023.

2) There was a dispute between the partners of the firm M/s. Aashirwad Properties and one of the parties had approached this Court under Section 11 of the Arbitration and Conciliation Act. In the

said Section 11 proceedings, the parties entered into the settlement and the consent decree was passed on 27/10/2016.

3) As the respondent did not comply with the directions in the consent decree, the execution application came to be filed in this Court. In the said execution application, the Prothonotary and Senior Master of this Court was directed to execute the agreement of sale in favour of Mr. Ashok Jain and Mr. Dipesh Jain. The said sale deed was executed pursuant to the order dated 17 April 2024 in respect of Flat Nos.101, 102, 501 in the building known as Siddharth Apartment, 'C' Wing, Siddharth Nagar, village Kole – Kalyan, Vakola, Santacruz (East), Mumbai – 400 055. However, the possession of the said three flats was not handed over to the decree holders Mr. Ashok Jain and Mr. Dipesh Jain, hence, the execution application was persuaded further.

4) In the meanwhile, third party (B. R. Builders and Developers) had filed interim application seeking to set aside the orders passed by the Single Judge of this court.

5) On behalf of the decree holder, a preliminary objection is raised as to how the interim application is maintainable challenging the orders passed by the Single Judge of this court.

- 6)** Learned counsel for third party (B.R. Builders and Developers) seeks short accommodation on the ground that the advocate on record had to rush back since he is not keeping well.
- 7)** At his request, stand over to **14/1/2026**.

(Rajesh S. Patil, J.)