



Commercial Suit No.-45/2022
CNR No.MHPU010163142022
(M/s Dynamic Realty Ventures
through Proprietor Rajeev Shivnath
Sonkar Vs. M/s Vedant Landmark
and Ors)

ORDER BELOW EXH.-60

This is an application on behalf of plaintiff with prayer that till adjudication of application of temporary injunction, defendants be directed to maintain status-quo.

Application is duly supported by the affidavit of plaintiff Rajeev Shivnath Sonkar below Exh.61.

2] Application is strongly opposed on behalf of defendants by filing say as well as additional say. It is submitted that the plaintiff has illegally terminated the development agreement dated 06.06.2017 along with POA. Moreover, the plaintiff's suit is not within limitation and considering the agreements between parties, defendants have every right to sell the constructed flats over the subject land. Therefore, it is submitted to reject the application.

3] Heard arguments of both parties.

4] Admittedly, the present suit is of 2022 whereas

application below Exh.52 has been filed by the plaintiff on 03.11.2023 for the relief of temporary injunction. Said application has been resisted by defendants. Accordingly, arguments on said T.I. application was commenced on 19.04.2024. On behalf of plaintiff, arguments on application for T.I. has been completed and thereafter matter was posted for advancing arguments on behalf of defendants. However, till last working day of summer vacation, no arguments on behalf of defendants could be concluded. Therefore, on behalf of plaintiff, application below Exh.60 was filed with prayer of status-quo.

5] Said application is resisted. This court heard arguments of both parties on said application, however, since it was last working day before commencement of summer vacation and due to paucity of time, this court could not pass the order on Exh.60.

6] On behalf of plaintiff, copies of Index-II along with list Exh.63 and list Exh.70 are placed on record which show that defendants have created third party interest by executing agreements pertaining to flats from Kingston Atlantis Construction Project on 02.11.2023, 26.09.2023, 24.11.2023, 19.10.2023 and recently on 04.07.2024. It means the contention of plaintiff that defendants are creating third party interest in the subject project by way

of sale of flats is writ large. Moreover, the fact of selling the flats by defendants is nowhere denied. As against this, they have submitted that they have every right to sell the flats. So, under such circumstances, considering the fact that the arguments on T.I. applications on behalf of defendants are yet to be completed and after its completion this court will pass the order on merits. Therefore, at this juncture, without going into the merits of the case, in my view, in order to avoid further complications and multiplicity of litigation, it would be just and proper if both parties are directed to maintain the status-quo by which there would be no prejudice to either parties. Hence, following order.

ORDER

- 1] Application Exh.60 is allowed.
- 2] Both parties shall maintain the status-quo regarding existing position of title and possession of flats from Kingston Atlantis Project till the decision of application on temporary injunction.

Pune.
Date : 10.07.2024

(Sunil G. Vedpathak)
District Judge-2, Pune.

CERTIFICATE

I affirm that, the contents of this P. D. F. file order are same word for word as per original order.

Court Name	Sunil G. Vedpathak District Judge-2, Pune.
Name of Steno	S. Y. Shaikh, Stenographer (Grade-I)
Date	10.07.2024
Order signed by Presiding Officer on	10.07.2024
Order uploaded & PDF on	11.07.2024