

ORDER BELOW EXHIBIT 48 IN RCS. 100/2025
Anusuya v. Pragati
CNRNO.MHTH170030522025

Heard at length Ld. Advocate Shri. Pal and Ld. Advocate Shri. Jagtap. Plaintiff has prayed that, till the final orders below Exh. 5 and 32, Defendants be restrained from registering the sale deed before the Sub-Registrar Palghar-2 and maintaining the status quo. Ld. Advocate has relied upon the judgment of the Hon'ble Supreme Court in *Arunkumar H. Shah Huf Vs. Avon Arcade Premises Co-operative Society Limited and Ors.* [2025 0 Supreme(SC) 669] regarding MOFA and how the question of title is dealt with in a civil suit and not before the competent authority under MOFA and regarding procedure while dealing with applications under Section 11(3) MOFA (para 19, 20).

2. The same is vehemently opposed by the Defendants. It is submitted that, the DDR had passed the order after giving due hearing to the parties. That, the deemed conveyance is also not set aside by the Hon'ble High Court in the order dated 02/02/2026 in writ petition filed against the grant of unilateral deemed conveyance. The Hon'ble Bombay High Court was pleased to hold that, the question of title shall be dealt with by the civil Court. The facts are different from the judgment in *Arunkumar (supra)*. That, this Court does not have jurisdiction to restrain the proceedings before the sub-registrar regarding the deemed conveyance.

3. The order dated 05.12.2025 of the Deputy Registrar granting certificate of deemed conveyance. The deemed conveyance proceeding is not set aside by any Court empowered

to do the same. At Exh. 37, application is submitted for framing preliminary issue *vide* Order 14 Rule 2 of the Code of Civil Procedure. The observations of the Hon'ble Supreme Court in *Arunkumar (supra)* are reverentially noted. This Court can decide on the question of title. It is unclear if this Court has jurisdiction to grant injunction when the deemed conveyance is not yet set aside. The plaint was amended on 27/03/2026 seeking further reliefs. Now the interim applications are sought to be argued. The Sub-Registrar under the MOFA or such authority is not made party to the present suit. Exh. 5 needs to be heard on merit. Application for framing of preliminary issue is still pending. Moreover, Ld. Advocate is directed to file written notes of arguments on interim applications tomorrow. In such contentious case where the jurisdiction of this Court to grant the reliefs is unclear and has to be considered in terms of final relief, ad interim injunction as prayed cannot be granted as prayed. Hence,

ORDER

Application is rejected.

Place: Palghar
Date: 23/04/2026

(Smt. P.S.G. Chalkar)
2nd Jt. Civil Judge Junior Division,
Palghar

CERTIFICATE

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

Name of Stenographer	---	Suraj S. Saddiwal
Court	---	2 nd Jt.CJJD & JMFC Palghar.
Date	---	23/04/2026
Order signed by the Presiding Officer on	---	23/04/2026
Order uploaded on	---	23/04/2026