

ORDER BELOW EXH.107

(Passed on 04/04/2026)

Perused the contention of the application and reply given by the defendant No. 1, 1a to 1C. Heard Ld Advocate for the plaintiff and defendant No.1, 1a to 1c. By way the present application the plaintiff has prayed to extend the order below Exh. 76 dtd 10/02/2026 till next date.

2. It is contention of the plaintiff in para No. 1 of the application that “ these defendants have been trying desperately to defeat the legal rights of the plaintiff and defy the order of this Hon’ble Court to make this suit in infructuous as seen after the restraining order dated 10/02/2026 e.g on 17/03/2026 defendants created a confusion by stating that 95 % partners of the defendant No.1 were disassociated and changed advocates while on 02/04/2026 the defendants below Exh. 102. falsely stated 3rd party interest is created in entire project -24 flats sold while only 14 flat sanctioned”

3. According to the defendants, the application of the plaintiff is ill motivated and misleading to the court. The applicaiton at Exh. 5 is pending since long and it be heard with main suit to decide the suit on merit. Whereas defendant No. 1A to 1C has requested to consider their say filed against Exh 5 for present application.

4. Perusal of the record shows that the predecessor of this court by order below Exh. 76 dated 10/02/2026 restrained the defendants or anybody claiming through them or under them from creating third party interest with regards to remaining suit property described in para-No. 2 of the plaint till next date. On 17/03/2026, the said order Exh. 76 was further

extended by this Court considering the pendency of the various applications in the suit and for filing the say by defendant to decide the application at Exh. 104 for restraining Shri Sameer Nattu, Shri Anant Karve and Shri Sandeep Nemawarkar alongwith defendant No. 1 its partners and representative from creating third party interest in the suit property. Today matter was kept for filing say on the said application by the defendants. Today the defendant No. 1 and defendant No. 1A to 1C have filed detailed say on the said application vide Exh. 106. Both parties have argued on the said application which is kept for order on next date. On the last date, as per the application of the plaintiff vide Exh. 100, the order below Exh. 76 was further extended till today. Therefore, considering the number of applications pending in the suit, it is necessary to extend the order below exh. 76 till next date, to protect the rights of the plaintiff. Therefore, order passed by predecessor of this court below exh. 76 is extended till next date.

5. Perusal of the record shows that prior to the transfer of this case to this court matter was heard by the predecessor of this Court for application at Exh. 5. However, the application at Exh. 34 and 64 which are filed by the defendant for dismissal of the suit, needs to be decided on priority. It further shows that both the parties have filed written notes of arguments on the said application. Therefore, both the parties are directed to argue the matter at Exh. 34 and 64 on next date without fail. The remaining pending applications will be decided thereafter.

Date: 04/04/2026

(H.V. Kulkarni)
3rd Jt. Civil Judge (S.D.),
Thane