

MHCC040001062018



IN THE CITY CIVIL COURT FOR GR.MUMBAI AT DINDOSHI
BORIVALI DIVISION, MUMBAI

NOTICE OF MOTION NO.47/2018

IN

S. C. SUIT NO.3818/2017

Ramesh Jagmohandas Mehta.

... Plaintiff.

Vs.

Yashwant Girdharilal Bohra & Ors.

... Defendants.

Adv. Santosh Bansode, for Plaintiff.

Adv. Payal Agarwal, for Defendants.

CORAM : K. R. Deshpande
Ad-hoc City Civil Judge,
(C.R. No.16)

Date : 30th October, 2025.

ORDER

Plaintiff has taken out this notice of motion praying for interim injunction from creating third party interest and from disturbing the possession of plaintiff over the suit property.

2. Perused affidavit in support of notice of motion and affidavit in reply filed by defendants.

3. Both the parties have filed written notes of arguments.

4. By this notice of motion the plaintiff seeking interim injunction from creating third party interest and from disturbing the possession of plaintiff over the suit property. The defendant no.2 and 3 have strongly opposed the notice of motion and prayed for rejection.

5. After going through the record, I find that, the plaintiff claimed that he is owner of the suit property and was in need of money therefore he obtained money of Rs.5,50,000/- as a loan from defendant no.1 as against this it was agreed to execute mortgage deed. However, defendant no.1 with help of defendant nos.2 and 3 by playing fraud and misrepresentation got executed registered agreement for sale showing Rs.25 lakhs as a consideration. However, it is contended that the plaintiff has not received any amount of consideration and he is in possession of the suit property. However, on the basis of bogus agreement for sale the defendants are trying to disturb the possession and trying to create third party interest.

6. Defendant Nos.2 and 3 claimed that, the plaintiff executed registered agreement for sale in 2016 thereafter he gave NOC and executed other documents in order to record the name of defendant nos. 2 and 3 to the suit property. It is contended that, by the order of Sub-Registrar names of defendant nos.2 and 3 are recorded, share certificate issued by the society and they are in possession, paying maintenance and now recently the suit property has gone for redevelopment. The possession was handed over to the developer against which the builder has given cheques towards the rent, executed agreement and therefore prayed for rejection.

7. The plaintiff in written notes of arguments mostly

reproduced all the contents of plaint. Similarly the defendants also by filing two additional affidavits produced documents to support their case.

8. After considering record, it is prima facie appeared that the registered agreement for sale came to be registered by the plaintiff in favour of defendant nos.2 and 3. In this agreement there is no reference of defendant no.1 at all. In this agreement itself plaintiff has executed receipt acknowledging the payments of consideration. The defendants have produced recent electricity bills of the suit property which are in their name. They have produced the maintenance bill, copy of order passed by Sub-Registrar, Share Certificate and the recent development of redevelopment of the suit property. I find that, prima facie the defendants were in possession of the suit property at the time of institution of the suit. It is to be noted that, the suit is instituted in 2017 and in 2025 the plaintiff is claiming interim injunctions. I find that, the plaintiff has not made out the prima facie case, balance of convenience, irreparable loss is not in favour of plaintiff. Hence, the following order:

ORDER

1. Notice of Motion No.47 of 2018 is rejected.
2. Cost in cause.
3. Notice of Motion No.47 of 2018 is disposed of accordingly.

30/10/2025

(K. R. Deshpande)
Ad-hoc City Civil Judge
City Civil Court, Dindoshi,
Mumbai.

Dictation given directly on Computer on: 30/10/2025
Checked & Signed by HHJ on : 31/10/2025

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER.” UPLOADED ON 31.10.2025 AT 05.50 PM Mrs. J.S. Gawai NAME OF STENOGRAPHER	
Name of the Judge (with Court Room No.)	HHJ Shri. K. R. Deshpande, C.R. No.16.
Date of Pronouncement of Judgment/Order.	30/10/2025
Judgment/Order signed by PO. on	31/10/2025
Judgment/Order uploaded on	31/10/2025