

Arjun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.8288 OF 2022

Pawankumar Ramchander Prasad ...Petitioner

Versus

The State of Maharashtra & Ors. ...Respondents

**WITH
INTERIM APPLICATION NO.30358 OF 2022
IN
WRIT PETITION NO.8288 OF 2022**

M/s. G. P. Associates, Mumbai ...Applicant

IN THE MATTER BETWEEN:

Pawankumar Ramchander Prasad ...Petitioner

Versus

The State of Maharashtra & Ors. ...Respondents

**WITH
INTERIM APPLICATION NO.17131 OF 2022**

Pawankumar Ramchander Prasad ...Applicant

Versus

The State of Maharashtra & Ors. ...Respondents

**WITH
APPEAL FROM ORDER NO.502 OF 2023
IN
NOTICE OF MOTION NO.2685 OF 2022
IN
SUIT NO.1681 OF 2021**

Pawankumar Ramchander Prasad ...Appellant

Versus

M/s. G. P. Associates & Ors. ...Respondents

**WITH
INTERIM APPLICATION NO.12978 OF 2023
IN
APPEAL FROM ORDER NO.502 OF 2023**

Pawankumar Ramchander Prasad

...Applicant

Versus

M/s. G. P. Associates & Ors.

...Respondents

WITH
APPEAL FROM ORDER NO.503 OF 2023
IN
NOTICE OF MOTION NO.2121 OF 2022
IN
SUIT NO.1681 OF 2021

Pawankumar Ramchander Prasad

...Appellant

Versus

M/s. G. P. Associates & Ors.

...Respondents

WITH
CIVIL REVISION APPLICATION NO.320 OF 2023

M/s. G. P. Associates, Partnership Firm

...Applicant

Versus

Pawankumar Ramchander Prasad & Ors.

...Respondents

WITH
INTERIM APPLICATION NO.575 OF 2024
IN
CIVIL REVISION APPLICATION NO.320 OF 2023

Pawankumar Ramchander Prasad & Ors.

...Applicants

Versus

M/s. G. P. Associates, Partnership Firm

...Respondent

Mr. Pawankumar R. Prasad, Petitioner in WP/8288/2022, Appellant in AO/502/2023 & AO/503/2023, in-person.

Mr. R. M. Haridas, for Respondent No.1.

CORAM: MADHAV J. JAMDAR, J.
DATED: 02 MAY 2025

P.C.:

1. Heard Mr. Pawankumar R. Prasad, the Appellant/Applicant, in person and Mr. Haridas, learned Counsel appearing for Respondent No.1.
2. Today the matter is listed before this Court at the instance of the Appellant/Applicant to consider the interim relief sought in Interim Application No.12978 of 2023.
3. Perusal of the record shows that the challenge in Appeal From Order is to the Order dated 2nd December 2022 passed by the learned Judge, City Civil Court, Greater Mumbai in Notice of Motion No.2865 of 2022 in S.C. Suit No.1681 of 2021. The said Notice of Motion is taken out by the Appellant for restoration of the possession of the suit premises. The learned Judge has observed that if the said relief is granted, the same amounts to granting the relief in the Suit finally.
4. In any case, the main contention raised by the Applicant is that the decree which has been passed in RAE Suit No.1288 of 2019 is obtained by playing fraud on the Court and such a decree has been executed. However, the learned Judge in the impugned Order dated 2nd December 2022 has observed that the present Appellant has appeared in execution proceedings and raised objection and the learned Executing Court has decided the objection on merits.
5. In fact, Mr. Haridas, learned Counsel appearing for Respondent No.1 is *prima facie* right in contending that the Suit itself is not

maintainable. He submits that already as the Suit is not maintainable, the application under Order VII Rule 11 of the *Code of Civil Procedure, 1908* for rejection of plaint is taken out. The said application was dismissed and therefore the Civil Revision Application No.320 of 2023 has been filed and the same has been admitted by this Court and the said Suit has been stayed.

6. In view of the above position, a learned Single Judge [Coram: Sandeep V. Marne, J.] by Order dated 21st August 2024 has directed that said Appeal From Order will be heard only after disposal of the said Civil Revision Application.

7. Today, the Appeal From Order is heard only for the purpose of considering grant of interim relief.

8. For the reasons set out herein above, the Appellant is not entitled for any ad interim relief.

[MADHAV J. JAMDAR, J.]