

AGK

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

**INTERIM APPLICATION NO.3688 OF 2020  
IN  
FIRST APPEAL (ST.) NO.5650 OF 2020**

Rita Pradeepkumar Pandey ... Applicant  
**V/s.**  
Pravin Bajirao Ghorpade & Anr. ... Respondents

Ms. Ritu P. Pandey, applicant in-person.

Mr. Anand Pandey for the respondents.

**CORAM : AMIT BORKAR, J.**

**DATED : FEBRUARY 8, 2023**

**PC.:**

**FIRST APPEAL (ST.) NO.5650 OF 2020:**

- 1.** Arguable questions are raised. **Admit.**
- 2.** Appellant to file private paper-book within one (1) year from today, failing which the first appeal shall stand dismissed without further reference to the Court.

**INTERIM APPLICATION NO.3688 OF 2020:**

- 3.** The first appeal arises out of decree of possession based on title. The suit was filed based on agreement to sale along with possession. According to the plaintiff, such document confers title

on the plaintiff. Prima facie perusal of the document of agreement to sale does not disclose transfer of title in favour of the plaintiff.

**4.** In that view of the matter, the applicant has made out a case for grant of interim relief.

**5.** During the pendency of the present first appeal, the decree for possession granted against the appellant shall remain stayed.

**6.** It is made clear that right of plaintiff to file application seeking direction against the appellant to occupy premises during pendency of the first appeal subject to payment of compensation is kept open.

**(AMIT BORKAR, J.)**