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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 6522 OF 2025

IN

FIRST APPEAL NO. 878 OF 2014

Mr. Fatechand Naraidnas Vazirani And Anr. ... Applicants.

Paras N. Fofalia And Ors. ...Appellants.

Versus

Mr. Fatechand Naraidnas Vazirani And Ors. ...Respondents

Ms. Nilima. V. Sanglikar for the Applicants.

Mr. J. S. Kini, and Mr. Aum Kini i/by Ms. Sapna Krishnappa for the Appellants.

Ms. Pallavi Khale for the Respondent-Corporation.

Coram : Sharmila U. Deshmukh, J.

Date : April 29, 2025.

P. C. :

1. Interim Application has been preferred on an apprehension that the status of plot A and B of plot No. 43 which is main bone of contention between the two parties is sought to be changed by the present Appellant. To support the same, the findings of the Trial Court are pointed out which has upheld validity of the agreement entered into by the present Applicants, who are the Original Defendants, and the legal heirs of the Original Owners and also the photographs to show that the present Appellants are changing the status of the said plot.

2. This is sought to be countered by Mr. Kini, contending that the findings of the Trial Court are erroneous and do not have any basis as the Trial Court has accepted unregistered, unstamped agreement. He would further submit that the status of the plot, which according to him is an open plot, is not being changed and is being used only for the purpose of parking of the cars since beginning. He would further dispute that there is any plot A and B of Plot No. 43.

3. The Appeal will have to be heard finally in order to determine the validity of the agreement entered into in respect of the said plot and also the validity of the plans which was subject matter of challenge before the Trial Court. In the Interim Application at this stage it is not possible to verify whether there is plot A and B or plot no. 43. Pertinent to note that in the order of 28th July, 2014 and 7th August, 2014 there is reference to plot no. A and B of plot no. 43, which according to Ms. Sanglikar, is reflected in the CTS plan as also in the plan which is annexed to the agreement entered into between the Applicants with the legal heirs of the original owners.

4. Perusal of the said order would indicate the submission of Mr. Kini that the present Applicant should not be permitted to carry out construction over the flats of the Appellants and if they are permitted to carry out construction in plot nos. A and B of plot no. 43 the same may be made subject to the outcome of the First Appeal.

5. *Prima facie*, at this stage, in light of order dated 28th July, 2014 and 7th August, 2014 it cannot be disputed that there is infact plot A and B of plot no. 43 which is subject matter of dispute between the parties.
6. Considering the dispute between the parties it would be preferable, if the Appeal is heard finally.
7. Stand over to **20th June, 2025.**
8. As the rival contentions are raised over the rights of the parties where the Plaintiff's claim is that they are entitled to park their cars and do not intend to carry out any development over the said plot and on the other hand as of today there is no construction which is proposed by the present Applicants.
9. In the interest of justice, both the parties to maintain *status quo* in respect of plot nos. A and B of plot no. 43 till the next date.

[Sharmila U. Deshmukh, J.]