

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

**INTERIM APPLICATION NO.12121 OF 2025
[FOR CONDONATION OF DELAY]**

WITH

**INTERIM APPLICATION NO.12122 OF 2025
[FOR GRANT OF INJUNCTION]**

IN

FIRST APPEAL (ST) NO.32309 OF 2025

Rashmik Rajnikant Mody and Anr.

...Applicants

In the matter between:-

Rashmik Rajnikant Mody and Anr.

...Appellants

V/s.

Asha K Zaveri

Heir of late Shri.Keshavlal A Zaveri

and Ors.

...Respondents

Mr.Sidharth Samantray a/w Mr.A.P.Steenson, Mr.Utkarsh Sanadi, Ms.Kashmira Dingankar:-	Advocates for Applicants/ Appellants.
Mr.Shatanu Chandratre (Through V.C.):	Advocate for Respondent No.3.

CORAM : S. M. MODAK, J.

DATE : 30th SEPTEMBER 2025

P. C. :-

1. Heard learned Advocate for the Applicants/Plaintiffs and learned Advocate for the Defendant/Respondent No.3 who has contested the suit amongst the Respondents. Learned Advocate undertakes to serve

the other Respondents. Let notice be issued to all the Respondents except the Respondent No.3. Private notice, in addition, is allowed. Affidavit of service be filed.

2. The Court of City Civil as per the judgment dated 30th June 2025 has partly decreed the suit of the Plaintiff. The specific performance is refused, however, the Defendant No.4 was directed to return the earnest money. The Plaintiff intend to challenge the said judgment, however, there is a delay. Learned Advocate for the Respondent No.3 opposes the prayer for condonation of delay. Let him file Affidavit-in-Reply.

3. There is an Interim Application thereby praying for injuncting the Respondents from creating third party interest in respect of the suit flat. It is opposed on behalf of the contesting Respondent No.3. It is for the reason, his client has deposited the earnest money as directed by the trial Court. If the injunction is granted, his client will be the loser again.

4. My attention is invited to an order dated 30th June 2025 passed by the trial Court. This was after dismissal of the suit for specific performance. The trial Court granted injunction for a period of three (3) months from the date of order. The Interim Application has to be

heard once the pleadings are over. The Respondent No.3 is granted time to file Affidavit-in-Reply, if he chooses. Yet all the Respondents are not served. It is true the Respondent No.3 has deposited the amount. I have cursorily gone through the findings given by the trial Court on the issues on Page No.29. **This Court feels that the interim order passed by the trial Court needs to be extended till the pleadings are over.** In view of that all the Respondents are restrained from creating third party interest in the suit premises till the next date. It is made clear that such injunction Application has to be decided on the basis of the materials, on the basis of evidence given before the trial Court and on the basis of the findings by the trial Court. This exercise will be done once the pleadings are over. If this Court finds that the Applicants/Appellants are delaying the hearing of the Interim Application, this order will be vacated. Reply be filed within a week. Rejoinder, if any, within a week.

5. Matter be kept on 15th October 2025.

[S. M. MODAK, J.]