

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

APPEAL FROM ORDER NO. 803 OF 2024
WITH
INTERIM APPLICATION NO. 14710 OF 2024
IN
APPEAL FROM ORDER NO. 803 OF 2024

M/s., J. C. Realty Enterprises LLP Thr.
Its Partner, Umedbhai Chhibubhai Patel ...Appellant/Applicant
Versus
Shankarbhai Kakadbhai Aardodiya ...Respondent

Ms. Varsha Palav a/w. Ms. Rekha Musale & Mr. Ajinkya Palav for the Appellant
Mr. Farhan Dubash a/w. Mr. Amit Kanani & Ms Khayti Kanani i/b. Khanani & Co for the Respondent

CORAM : M. M. SATHAYE, J.

DATED : 19th NOVEMBER 2024

P.C.:

1. Heard learned Counsel for the Appellant/Original Plaintiff and learned Counsel for the Respondent/Original Defendant.
2. Under the impugned order dated 21/10/2024, the Plaint filed by the Appellant is returned on Application Exhibit-26, which was taken out by the Respondent/Defendant under the provisions of Order 7 Rule 11(d) of the Civil Procedure Code.
3. Learned Counsel for the Appellant has placed on record the copy of

the orders dated 23/10/2024 passed below Exhibits-31 and 34 pointing out that learned Trial Court, after the impugned order was passed, has stayed the impugned order till 20/11/2024 and has directed the parties to maintain status quo till 20/11/2024 i.e. tomorrow.

4. Learned Counsel for the Respondent however, contents that it was not within the power of the Trial Court to grant such stay to its own order especially when the impugned order is that of return of the Plaint. He further contents that the order below Exhibit-31 itself makes it clear that the Appellant had placed on record a registered agreement to sell in respect of the suit property executed by the present Respondent in favour of a third party and in such circumstances, the order of status quo is granted.

5. Therefore, noting that the Respondent has already executed agreement to sell in favour of a third party on 22/10/2024 itself, the order of status quo below Exhibit-31 and order of stay below Exhibit-34 is extended till the next date.

6. Learned Counsel for the Appellant to serve the Appeal compilation upon learned Counsel for the Respondent.

7. **Stand over to 02/12/2024** for fresh admission.

(M. M. SATHAYE, J.)