

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).20283/2008

(From the judgement and order dated 23/04/2008 in AFO No. 15/2008
of The HIGH COURT OF BOMBAY)

ASHOK MATAPRASAD YADAV Petitioner(s)

VERSUS

ANUPAM DEVELOPERS & ORS. Respondent(s)

(With appln(s) for taking additional document on record and prayer
for interim relief and office report)

Date: 19/04/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V.S. SIRPURKAR
HON'BLE DR. JUSTICE MUKUNDKAM SHARMA

For Petitioner(s) Mr. U.U.Lalit, Sr. Adv.
Mr. K.V.Vishwanathan, Sr. Adv.
MS. Santosh Paul, Adv.
Mr. Sriharsh N.Bundela, Adv.
Mr. M.J. Paul,Adv.

For Respondent(s) Mr. Ravindra Keshavrao Adsure,Adv.

Mr. Shrish Kumar Misra ,Adv
Mr.Pramod P.Bajpai, Adv.
Mr. Ajay Kr. Singh, Adv.
Mr.Amit Srivastava, Adv.

Mr. Atul B.Dakh, Adv.
Mr.Gaurav Agrawal ,Adv

UPON hearing counsel the Court made the following
O R D E R

Leave granted.
The appeal is disposed of in terms of the signed
order.

(Shashi Sareen) (Shashi Bala Vij)
Court Master Court Master

(Signed order is placed on the fiel)
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No. 3557 OF 2010
(Arising out of SLP(C) No. 20283 of 2008)

ASHOK MATAPRASAD YADAV ... Ap
pellant(s)

Versus

ANUPAM DEVELOPERS & ORS. ... Re
spondent(s)

O R D E R

1. Leave granted.

2. Challenge in this appeal to the order dated 23rd April, 2008 passed by the High Court of Bombay in Appeal from Order No. 15 of 2008 whereby the appeal filed by the appellant against the order of the trial court was dismissed.

3. After hearing learned counsel for the parties, we are convinced that the order of status quo/injunction granted by the trial court in Special Civil Suit No. 140 of 2007 and affirmed by the High Court by impugned order can not be allowed to be sustained in view of the fact that the agreement in favour of the present appellant - Ashok Mataprasad Yadav was a tripartite agreement dated 23/3/2007 which was executed between the City and Industrial Development Corporation of Maharashtra Ltd. (CIDCO), respondent No. - 3 the original land owner and appellant.

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3. Be that as it may be, we do not want to express any opinion on the merits of this case. However, we are modifying the status quo/injunction order dated 15-11-2007 at this stage to the extent that the present appellant shall be entitled to construct the plot but shall not claim any equity for doing any construction activity on the plot in question and any such activity shall be governed by the outcome of the Special Civil Suit No. 140 of 2007 pending before the learned Civil Judge (Sr. Division), Panvel.

4. The undertaking of not claiming any equity out of the construction, if any, by the appellant shall be filed before

the trial court within two weeks from today.

5. The order of the trial court and the High Court is modified to the aforesaid extent.

6. The appeal stands disposed of accordingly.

.....J.
(V.S.SIRPURKAR)

.....J.
(Dr. MUKUNDAKAM SHARMA)

New Delhi,
April 19, 2010.