

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**FIRST APPEAL NO. 1402 OF 2014
WITH
CIVIL APPLICATION NO. 4108 OF 2014 IN F.A. NO. 1402 OF 2014**

Jairam Shina Hegde & Ors. ... Appellants/Applicants

vs.

Smt. Hirubai Vasant Bhoir & Ors. ... Respondents

Mr. G.S. Godbole i/b. Mr. Satyakumar M. Shettigar, Advocate for the appellants/applicants.

Mr. S.G. Karandikar i/b. Mr. J.M. Joshi, Advocate for respondent nos. 1 to 8.

CORAM : MRS. MRIDULA BHATKAR, J.

DATE : 23rd December, 2014.

P.C.

Admit.

Civil Application no. 4108 of 2014

The learned counsel for the applicants submitted that the suit for specific performance was dismissed by the judgment and decree dated 27th March, 2014 passed by the learned Civil Judge Senior Division, Vasai in Special Civil Suit No. 115 of 2009. He, therefore, prays that till final hearing and disposal of the Appeal, respondent nos. 1 to 8 be restrained from the order and injunction from creating third party rights in respect of the suit property.

2. The suit is filed in 2009. Since 2009 till dismissal of the suit, the trial Court did not grant any interim relief in favour of the applicants/plaintiffs, for which the Stay application is now moved and the order is prayed for. It is informed by the learned counsel for respondent nos. 1 to 8 that the said relief was earlier prayed before the trial Court and it was rejected. In view of this, Civil Application is rejected.

3. The learned counsel for the appellants/applicants submitted that he has good case on merits in Appeal. Therefore, it at all respondent nos. 1 to 8 are going to create any right or interest in favour of any party, then respondent nos. 1 to 8 are directed to intimate such transaction to the appellants with 30 days prior notice.

(MRS.MRIDULA BHATKAR, J.)