

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

CIVIL APPLICATION NO. 751 OF 2015
IN
WRIT PETITION NO. 5822 OF 2011

Ganpat s/o Baburao Palane

... Applicant

Versus

Rajabhau s/o Shivayya Swami and others

... Respondents

Mr. S. V. Chandole, Advocate h/f Mr. V. G. Sakolkar, Advocate for applicant

Mr. P. S. Dighe, Advocate h/f Mr. V. R. Dhorde, Advocate for respondent No.1

CORAM : SUNIL P. DESHMUKH, J.
17TH JULY, 2015

ORDER:

1. This civil application has been moved by original respondent No.1 in writ petition against the writ petitioner, seeking restraint on him from dealing with or creating third party interest over the petitioned property, either by himself or through his agents or servants or anybody acting on his behalf.

2. After hearing parties, it appears that order of granting occupancy rights in favour of the writ petitioner was challenged in 2005 in an appeal, by present applicant-respondent No.1 in writ petition, before the Collector. That appeal was allowed under order dated 16-10-2009. Further appeal, by present writ petitioner-respondent No.1 in civil application, before the Divisional Commissioner, was dismissed under order dated 05-04-2011 and

the same is under challenge in present writ petition, whereunder stay is operating against the order by Collector allowing the appeal filed at the instance of present applicant-respondent No.1 in writ petition.

3. Having regard to aforesaid, it would be appropriate that the parties shall maintain status-quo. However, Mr. Dighe on instructions makes a statement that writ petitioner-respondent No.1 to the civil application would file an undertaking to the effect that the petitioner himself or his agents, servants or anybody claiming or acting on his behalf will not deal with the petitioned property or create third party interest over it during pendency of writ petition.

4. Having regard to the aforesaid statement, civil application stands disposed of accordingly.

5. Undertaking to the effect referred to in paragraph no. 3 above be filed by writ petitioner within a period of four weeks from today.

SUNIL P. DESHMUKH, J.

pnd