

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**931 CIVIL APPLICATION NO. 4075 OF 2012
IN FA/97/2012**

GRAMODYAOGIK SHIKSHAN MANDAL
VERSUS
ATHARWA BUILDERS AND DEVELOPERS AND ORS

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Advocate for Applicants : Mr. R.L.Kute h/f Mr. Dhorde Vikram R
Mr. A S Bajaj, Adv., for R/1 & 2

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CORAM : R. M. BORDE & P.R. BORA, JJ.
Dated: January 16, 2015

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PER COURT :-

1. The applicants are praying for issuance of restraint order against the respondents from alienating the suit property. Our attention is invited to the order passed by the Division Bench of this Court in Civil Application No.1678/2012, on 16th March, 2012. By virtue of the order passed in the aforesaid application, the respondents are restrained from using the suit land for any purpose other than educational purpose. Thus, the user of the property is restricted by virtue of the interim order passed by this Court.

So far as creation of third party interest is concerned, the principle of lis pendens would be attracted and creation of third party interest at the instance of respondent nos. 1 to 3 shall always be subject to the outcome of appeal.

With clarification as above, civil application disposed of.

(P.R. BORA, J.)

(R. M. BORDE, J.)

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