

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

**CIVIL APPLICATION NO. 925 OF 2015
IN
SECOND APPEAL NO. 409 OF 2015**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Umesh Pawar i/b T. S. Ingale for the applicant.
Mr. Prashant Jadhav for the respondent.

**CORAM : K. K. TATED, J.
DATED : 15/10/2015.**

P.C.:

- . Heard learned Counsel for the parties.
- 2 This application is preferred by plaintiff no.1 and 2 for an order of injunction restraining the respondent defendant from creating third party rights, title and interest in respect of suit land bearing Gat No. 252 admeasuring 33.4 R situated at Village Mangrul, Taluka Khanapur, District Sangli.
- 3 The learned Counsel for the applicant submits that if during the pendency of the present Second Appeal, the respondent defendant creates third party rights, title and interest in respect of suit property, nothing will survive in the Second Appeal. He submits that in the interest of justice, this Hon'ble Court be restrained the respondent defendant by an

order of injunction from creating any third party rights, title and interest in respect of suit property till the hearing and final disposal of the Second Appeal.

4 On the other hand learned Counsel for the respondent vehemently opposed the present Civil Application. He submits that before filing the Regular Civil Suit No. 89 of 2007 by the applicant/plaintiff, the respondent defendant availed the loan of Rs.4 lacs from Bank and financial institution and to that effect there is an endorsement on 7/12 extract. He submits that at present the respondent defendant is Senior Citizen aged 72 years old. Today, he is in possession of the suit property. He submits that to cultivate the suit property, it requires to take help from third party.

5 The learned Counsel for the respondent submits that he received instructions from the defendant that he will not sell the suit property during the pendency of Second Appeal but if necessary, he will cultivate the same through third person. Statement is accepted.

6 Considering the submissions made by learned counsel for the applicant, averments made in civil application and statement is made by the learned Counsel for the respondent defendant, following order is passed.

a) The respondent defendant is restrained

by an order of injunction from selling the suit land bearing Gat No. 252 admesuring 33.4 R situated at village Mangrul , Taluka Khanapur, District Sangli pending the hearing and final disposal of the Second Appeal.

b) The respondent is permitted to cultivate the suit land with the help of third party, if necessary.

c) Civil Application stands disposed of accordingly.

(K.K.TATED, J.)