

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

CIVIL APPLICATION NO.2171/2012
IN
SECOND APPEAL NO.1107/2012

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. S. T. Bhosale i/b. Dilip Bodke for the Applicant
Mr. Sachin Padiye i/b. G. R. Agrawal for the Respondent Nos.1, 2A and 2B.

CORAM : K. K. TATED, J.

DATE : OCTOBER 16, 2015

P.C.:

1. Heard. This Application is made by the Plaintiff for an order of injunction restraining the Respondent Defendant from causing any obstruction to the possession and cultivation of the Plaintiff over the suit property i.e. Sy.No.361/1 and 367/7 situated at village Shere, Tq. Karad, Dist. Satara.

2. On 09/10/2015 the matter was adjourned by one week at the request of the advocate for the Respondent Defendant to seek instructions from his client that whether they are ready and willing to make a statement that till hearing and final disposal of the Second Appeal, they will not create

any third party right, title and interest in respect of the suit property and file an affidavit to that effect. The learned counsel for the Respondent Plaintiff submits that they called upon their client for instruction by letter, but till today, they have not received any instructions.

3. In the present proceedings the Applicant filed Regular Civil Suit No. 78/1986 for declaration and injunction. That suit was dismissed and thereafter they preferred the appeal which was also dismissed.

4. The learned counsel for the Applicant submits that if pending the hearing and final disposal of the appeal Respondent Defendant creates third party right, title and interest in respect of the suit property, nothing will survive in the present proceedings. Hence, this Hon'ble Court be pleased to restrain the Respondent from creating any third party right, title and interest in respect of the suit property.

5. There is no Affidavit-in-Reply filed by the Respondent.

6. Considering the submissions made by the

learned counsel for the Applicant and the averments made in the Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application.

7. Hence, the following order:

a) Respondents Defendants are restrained by an order of injunction from creating any third party right, title and interest in respect of the suit property till hearing and final disposal of the appeal.

b) Civil Application stands disposed off accordingly.

JUDGE