

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

**CIVIL APPLICATION NO. 182 OF 2015
IN
FIRST APPEAL NO. 67 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. S. V. Sadavarte for the applicant.
Mr. Jaydeep Deo for the respondent no.1 & 2.

**CORAM : K. K. TATED, J.
DATED : 15/04/2015**

P.C.:

- . Heard learned Counsel for the parties.
- 2 This appeal is preferred by plaintiff for stay of operation and implementation of the judgment and decree dated 13.08.2014 passed by the 3rd Additional Judge, Small Causes Court & joint Civil Judge, Senior Division Pune in Special Civil Suit No. 2363 of 2011 and order of injunction restraining the respondent defendant from creating any third party interest in respect of the suit land more particularly described in plaint and order of injunction restraining respondent defendant from disturbing plaintiff's possession of the suit land.
- 3 The learned counsel for the applicant submits that this Court (Coram : S.C.Dharmadhikari, J.) in

Appeal from Order no. 277 of 2012 with Civil Application No. 358 of 2012 passed order on 10.01.2013 directing both the parties to maintain status quo. He submits that said order to be continued till the hearing and final disposal of the First Appeal.

4 On the other hand, the learned counsel for the respondent defendant vehemently opposed the present Civil Application. He submits that Trial Court in paragraph 47 of the impugned judgment and decree specifically held that plaintiffs failed to establish their possession by cogent evidence of the suit premises. He submits that in view of the observation made by the Trial Court in paragraph 47 of the impugned judgment and decree, nothing survives in the present Civil Application. He further makes a statement that the respondents defendants will not create any third party right, title and interest of the suit premises till the hearing and final disposal of the present First Appeal.

5 Considering the submissions made by the learned counsel for the applicant and observation made by the Trial Court in paragraph 47 of the impugned judgment and decree, I do not find any merits in the present Civil Application. But, as a Advocate for respondent made a statement that

respondent will not create any third party right, title and interest in respect of suit property till the hearing and final disposal of the First Appeal, the following order is passed:

ORDER

- a) Civil Application stands dismissed.
- b) The statement made by the learned counsel for the respondent defendant that defendant will not create third party right, title and interest in respect of agricultural land bearing Gat No. 193 admeasuring 1H 98 R + potkharaba 02-R total 2H 00R situated at village Jategaon Bk. Taluka Shirur Dist. Pune, is accepted.

(K.K.TATED, J.)