

SQP

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 859 OF 2015
IN
FIRST APPEAL NO. 741 OF 2012**

Sitabai Popatrao Bhagwat

...Applicant

Versus

Balu Arjun Bodke & Ors.

...Respondents

Mr. Ashok B. Tajane i/b Mr. Nitin Ashok Mulye for the Applicant

Mr. Atul G. Damle i/b Mr. Dushant Shantaram Pagare for the Respondent
Nos. 1 & 2

**CORAM : A. S. OKA &
REVATI MOHITE DERE, JJ.
MONDAY, 13th JULY, 2015**

P.C. :

1. Heard learned Counsel appearing for the applicant and the learned Counsel appearing for the first and second respondents.

2. The purported Sale Deed records that the first and second respondents paid a sum of Rs. 91 lakhs in cash to the present applicant. The case made out by the applicant before the trial Court was that she did not receive consideration as mentioned in the sale Deed. Though the first and second respondents have filed affidavits of various persons from whom they allegedly borrowed various amounts for making payment to the

applicant, the persons who have filed affidavits have not been examined as witnesses.

3. Considering the controversy involved, the first and second respondents cannot be allowed to create third party rights in the land subject matter of the appeal till the disposal of the appeal. Accordingly, there will be interim relief in terms of prayer clause (a).

4. Civil Application is disposed of accordingly. Hearing of the appeal is expedited. If the appeal is ready for final hearing, the same shall be added to the appropriate weekly board.

(REVATI MOHITE DERE, J.)

(A. S. OKA, J.)