

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.1193 OF 2015
IN
FIRST APPEAL NO.343 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.Vishal Kanade i/b M/s.Desai and Diwanji
for the applicant

Mrs.G.PBharucha for the respondent

CORAM : K.K.TATED, J.
DATED : 18/03/2015

PC:

- 1 Not on board. At the request of Advocate for the applicant, matter is taken on board for urgent orders.
- 2 Heard the learned counsel for the parties.
- 3 This application is preferred by original plaintiffs restraining respondents from creating any third party right, title and interest in respect of the suit premises at Flat No.1A on the ground floor of the said "Alamai Shapoorji Mistry Charitable Building" at Dr.Shirodkar Road, Parel, Bombay 400 013 till the hearing and final disposal of the First Appeal and to continue Court Receiver which was

appointed as per order dated 28.01.1997 in Notice of Motion No.644 of 1995.

4 The learned counsel for the respondent submits that they have no objection if Civil Application is made absolute in terms of prayer clause (b) and (c). Hence, by consent, following order is passed:

A) Civil Application is allowed in terms of prayer clause (b) and (c) which read thus:

“(b) Pending the hearing and final disposal of the present First Appeal the Respondents be restrained by an order and injunction of this Hon'ble Court from alienating and/or creating any third party right and/or interest in the suit premises or any part thereof.

(c) Pending the hearing and final disposal of the present First Appeal the Court Receiver appointed as a receiver of the suit premises pursuant to the Order dated 28th January, 1997 be continued.”

B) Civil application stands disposed off accordingly.

(K.K.TATED, J.)