

FARAD CONTINUATION SHEET

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
CIVIL APPLICATION NO.1549 OF 2015
IN
FIRST APPEAL NO.479 OF 2015

Office Notes, Office
memorandum of Coram,
appearances, Court's
orders or directions &
Registrar's orders.

Court's or
Judge's orders.

Shri G.S. Godbole i/b Shri Sumit Kothari and Shri D.S. Patil for the Applicant.
Shri Vivek V. Salunke for the Respondent No.1.

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CORAM : A.S. OKA &
VLACHLIYA, JJ
DATED : 17TH OCTOBER 2015

P.C.:

. Heard the learned counsel appearing for the
Applicant and the learned counsel appearing for the
first Respondent.

2. By the impugned judgment and decree, the
suit filed by the Applicant for declaration and
possession has been dismissed by the Trial Court.
There is a finding recorded in Paragraph 27 of the
impugned judgment that a building has been

constructed on the suit property and the flats therein have been sold out to various flat purchasers. It is observed that the flat purchasers have not been made parties.

3. Admittedly, during the pendency of the suit, there was no interim injunction granted in favour of the Applicant. In view of the finding of the Trial Court and in view of the fact that there was no injunction granted during the pendency of the suit, the injunction in terms of prayer clause (b) cannot be granted.

4. It is obvious that if further third parties rights are created by the Respondents during the pendency of the Appeal, the same will be subject to further orders which may be passed in the Appeal.

5. Subject to what is observed above, the Civil Application is disposed of.