

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.449 OF 2014
with
CAA/528/2014

M/s.Sansif Investment
through its proprietor
Iqbal Ahmed Abdul Khalif

... Appellant

Vs.

Vilas Pandurang Kini & anr.

... Respondents

Mr.A.A. Siddiquie i/b A.A. Siddiquie & Asso. for the Appellant
None for Respondents

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: 17th NOVEMBER, 2015

P.C.:

1. Both the respondents are served. However, nobody appears for the respondents.

2. The learned Counsel for the appellant submits that though he is claiming a specific performance on the basis of the agreement of sale in respect of immovable property, he has paid Rs.32 lacs through cheque as well as in cash. He submits that there is an apprehension that the defendants/land owners may enter into other transaction in respect of the land. He submits that a limited prayer is made that no third party interest is to be created in the said land.

3. On 27.2.2014, the learned Civil Judge, Senior Division, Link Court, Bhiwandi, had rejected the application at exhibit 5 filed by the plaintiff. So in between, if at all any transaction has taken place, this Court has no knowledge thereof. However, considering the submission made by the plaintiff as argued and as it is not controverted by the other side, the respondents are hereby directed not to create any third party interest in the suit property.

4. Appeal and Civil application are disposed of accordingly.

(MRIDULA BHATKAR, J.)