

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2804 OF 1995

Shri Rajan Pancholi, since deceased  
1(a) Mrs. Aruna Rajan Pancholi- deceased  
1(b) Mr. Aditya Rajan Pancholi alias  
Nirmal Rajan Pancholi & Ors.

.. Petitioners

vs.

Tarabai V. Hate – since deceased  
through legal heirs  
Smt. Suman Nandkumar Hate & Ors.

.. Respondents

Mr. N.C. Parekh i/b Mansukhlal Hiralal & Co. for the Petitioners.  
Mr. M.S. Bhandari a/w. Sanjukta Dey for the Respondents.

**CORAM : M.S. SONAK, J.**  
**DATE : 6 OCTOBER, 2015.**

**P.C. :**

1) In compliance with the order made in paragraph 44 of the judgment and order dated 10 September 2015, Petitioner Nos.1-B and 1-D have filed the usual undertaking/s. Petitioner No.1-C has not filed the usual undertaking and the learned Counsel appearing for the Petitioners states that Petitioner No.1-C is not willing to file usual undertaking. In these circumstances, Petitioner No.1-C is restrained from creating any third party rights in suit premises or parting with possession thereof. In fact, the learned Counsel for the Petitioner states that, Petitioner No.1-C is not in

possession of the suit premises. However, the learned Counsel for the Respondent No.1-G insisted that Petitioner No.1-C is in possession of suit premises. In view of such insistence, the restraint order is passed as against Petitioner No.1-C.

2) Accordingly, praecipe is disposed of.

**(M.S. SONAK, J.)**

**CERTIFICATE**

Certified to be true and correct copy of the original signed  
Judgment / order.