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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**CIVIL APPLICATION NO.2051 OF 2014
IN
FIRST APPEAL NO.741 OF 2014**

Shital Gurukant Chodankar and Ors.

...Applicants.

v/s.

Sacchidanand Umashankar Kohok
since deceased through his legal heirs
and representatives

a) Kanchan alias Nanda S. Kohok and Ors.

...Respondents.

Ms.Varsha Palav, i/b The Laureate, for the Applicants.

Mr.R.S.Apte, Senior Advocate i/b Mr.Yogesh Dabke, for Respondent Nos.2
to 4.

**CORAM: A. S. OKA &
REVATI MOHITE DERE, JJ.**

DATED : 10th JUNE, 2015.

P.C.

1. Heard learned counsel appearing for the Applicants and the learned Senior Counsel representing respondent nos.2 to 4. The substantive appeal preferred by the Applicants for challenging the decree of dismissal of Suit

filed by them has been admitted. The suit was for partition and separate possession. During the pendency of the suit, admittedly an order of interim injunction restraining the respondents from creating a third party interests was operative. Therefore, ad-interim relief granted on 17th June, 2014, deserves to be continued.

2. Learned Senior Counsel appearing for the second to fourth respondents invited our attention to the affidavit in reply of the second respondent. He pointed out that considering the condition of the bungalow and recurring expenditure, the respondents may be permitted to let out the bungalow or to give it on leave and license, subject to the outcome of the appeal, so that the property will fetch income which will be enure to benefit all the parties. Learned Senior Counsel appearing for the second to fourth respondents states that as a copy of the rejoinder has been served today, he has proceeded on the basis of denials.

3. If the respondents want to let out the bungalow or create license in respect of the bungalow or part of it to ensure that the property fetches income, the concerned respondents can always apply for modification of the interim order by filing a separate application.

4. Subject to what is observed above, Civil Application is disposed of by directing that the ad-interim relief granted on 17th June, 2014 shall continue to operate, till the disposal of the appeal.

(REVATI MOHITE DERE,J.)

(A.S. OKA,J.)