

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

**CIVIL APPLICATION NO.804 OF 2013
IN
SECOND APPEAL NO.283 OF 2013**

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.T.D.Deshmukh for the applicant

CORAM : K.K.TATED, J.
DATED : 28/08/2015

PC:

- 1 Heard the learned counsel for the applicant.
- 2 Though respondent nos.1 to 5 are duly served, no one appeared on behalf of them when the matter was called out.
- 3 In this application, this court (Coram: R.G.Ketkar, J.) by order dated 2.5.2014 granted ad-interim relief in terms of prayer clause (c), (d) and (e).
- 4 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, I am satisfied that the Applicant has made out a case for confirmation of ad-interim relief granted by this court. Hence, Civil Application is allowed in terms of prayer clause (c), (d) and (e) in Civil

Application which read thus:

“(c) This Hon'ble Court may kindly be pleased restrain the Opponent No.1 to 4 and / or their agents from creating any third party rights in open plot of land bearing no.8 (in group A as per the proposed layout equivalent to Survey no.113/4/1A/1/22(as per the revenue record admeasuring about 3 Ares forming part of Survey no.113, Hissa no.4/1A situated at village Wakad, Taluka Mulshi, District Pune;

(d) This Hon'ble Court may kindly be pleased restrain the Opponent No.1 to 4 and / or their agents from carrying out construction and / or changing the nature of open plot of land bearing no.8 (in group A as per the proposed layout) equivalent to Survey no. 113/4/1A/1/22 (as per the revenue records) admeasuring about 3 Ares forming part of Survey no.113, Hissa no.4/1A situated at village Wakad, Taluka Mulshi, District Pune;

(e) This Hon'ble Court may kindly be pleased restrain the Opponent No.1 to 4 and / or their agents from carrying out construction and / or their agents from utilising the FSI of open plot of land bearing no.8 (in group A as per the proposed layout) equivalent to Survey

no. 113/4/1A/1/22 (as per the revenue records) admeasuring about 3 Ares forming part of Survey no.113, Hissa no.4/1A situated at village Wakad, Taluka Mulshi, District Pune.”

5 Civil application stands disposed off accordingly.

(K.K.TATED, J.)