

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE SIDE JURISDICTION.

CIVIL APPLICATION NO.816/2013
IN
SECOND APPEAL NO.292/2013

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. R. M. Nakhwa i/b. Vasant Dhavan for the Applicant
Mr. Rakesh Bhalkar for the Respondent Nos.1 and 2.

CORAM : K. K. TATED, J.
DATE : OCTOBER 8, 2015

P.C.:

1. Heard. This Application is made by the Plaintiff for an order of stay of the impugned decree dated 14/09/2012 passed by the Appellate Court in Civil Appeal No.85/2008 and order of injunction restraining the Respondent Defendant No.1 from creating any third party right, title and interest in respect of the suit property i.e. a small piece of land adm. 82Rs out of Sy.No.3 situate at village Sakhar, Tq. & Dist. Ratnagiri and a house adm. 25' x 15' constructed on the said plot of land, more particularly described in paragraph 1 of the plaint.

2. The learned counsel for the Applicant submits that the Second Appeal is admitted by this court on 07/10/2014. He further submits that this court granted ad-interim relief in terms of prayer clause (b) of the Civil Application on 14/10/2013. That order to be continued till hearing and final disposal of the appeal.

3. On the other hand, the learned counsel for the Respondent Defendant submits that they have no-objection if ad-interim relief granted by this court on 14/10/2013 is continued till hearing and final disposal of the appeal.

4. Hence, by consent, following order is passed:

a. Civil Application is allowed in terms of prayer clause (b) which reads thus:

(b) That pending the hearing and final disposal of the Second Appeal, the Respondents (original Defendants) be restrained by an order of injunction of this Hon'ble Court not to create any third party right, sale, deal with or dispose off, not to give on leave and license basis the suit premises more particularly described in the plaint.

b. Civil application stands disposed off accordingly.

JUDGE

CERTIFICATE

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