

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.259 OF 2012
IN
FIRST APPEAL NO.109 OF 2012

Suryakant Sakharam thorat & anr. ... Applicants

Vs.

Mulchand Chunilal Dhoka & Ors. ... Respondents

Mr.J.B. Kocheta for the Applicants
Mr.S.S. Kulkarni for Respondent Nos.1 & 2

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: 19th AUGUST, 2015

P.C.:

1. The appeal is already admitted. The Civil Application has been moved seeking an order of stay to the decree and also that the respondent be restrained from transferring the suit property or creating any third party right, title or interest in the suit property. The learned Counsel submits that during the pendency of the civil suit, an interim order was passed in favour of the appellant i.e, the original plaintiff.

2. The learned Counsel for the Respondents is present. Though he has opposed the application, he has fairly conceded that such order was passed by the trial Court.

3. My attention is drawn to the order dated 1.4.1997 by which the defendant i.e., the present respondent and any other person on his behalf was restrained from transferring and from creating any third party interest in the suit property till the disposal of the suit. In view of this order, the same order shall continue till the disposal of the appeal. Accordingly, the respondents are directed to restrain from transferring or creating any third party interest in the suit property, till the final decision in the appeal. The learned Counsel for the applicants makes a statement that the applicants also shall not either transfer the property or create any third party right interest in the suit property, till the final disposal of the appeal. The said statement is accepted.

4. Civil Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)