

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

**CIVIL APPLICATION NO.296 OF 2013
IN
FIRST APPEAL NO. 90 OF 2013**

Shri Jaya Krishna Shetty

.. Applicant

Vs.

1. Smt. Padmavati Krishna Shetty & Ors.

.. Respondents

Mr. Sachin Gite for applicant.

Mr.S.C. Wakankar for respondent no.6.

Mr.P.K. Hushing for respondent no.7.

**CORAM : A.S. OKA,
V.L. ACHLIYA, JJ.**

DATED : 1ST SEPTEMBER, 2015

P.C.

1 It is not in dispute that during the pendency of the suit filed by the applicant, there was a temporary injunction granted in respect of properties described in paragraph 1(a) and 1(d) of the plaint and there was no injunction granted during the pendency of the suit as regards the other suit properties. It is not in dispute that the respondent no.6 is in possession as of today in respect of properties described in paragraph 1(a) to 1(d) of the plaint.

2 The learned counsel appearing for the 6th respondent, on instructions, states that the said respondent will not create any third party rights in respect of the said properties and will not part with possession thereof in favour of any third party during pendency of this appeal without seeking prior permission of this Court.

3 We accept the said statement. In view of the aforesaid statement, it is not necessary to consider the said application on merits. By accepting the aforesaid statement, the application stands disposed of.

(V.L. ACHLIYA, J.)

(A. S. OKA, J.)