

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

APPEAL AGAINST ORDER NO.70 OF 2014

Mangala Wd/o Prabhakar Mahajan and another

-vs-

Vrinda Pravin Mahajan and another

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

CORAM : Z. A. HAQ, J.

DATE : 27.01.2015.

1) Heard Shri V. V. Bhangde, learned advocate for the appellant, Shri R.K.Maheshwari, learned advocate holding for Shri Anand Parchure, advocate for the respondent No.1-plaintiff and Mrs.Seema S. Sahasrabuddhe, learned advocate for the respondent Nos.2-i and 2-ii.

2) The appellants-original defendant Nos.1 and 2 have filed this appeal challenging the judgment passed by the trial Court directing them to file undertaking to the effect that they will not alienate or create third part interest in the suit property till the disposal of the civil suit or unless prior permission is obtained from the Court.

3) The appellants have filed the undertaking dated 22/01/2015 signed by the appellants and their advocate stating that in case respondent No.1-plaintiff succeeds in R.C.S. No.880/13, the appellants would give her 1/4th share admeasuring 1175 sq.ft. (total area being 4700 sq.ft.). The appellants further undertake that in case plaintiff's 1/4th share is alienated, the prospective buyer

would be informed about pendency of R.C.S. No.880/13 filed by respondent No.1.

4) Shri Maheshwari, learned advocate for the respondent No.1-plaintiff (contesting party) in whose favour the impugned order is passed by the trial Court, has not been able to point out the necessity of continuing with the impugned order in spite of the above referred undertaking filed by the appellants.

5) The undertaking given by the appellants is accepted and in view of it, clause (2) of the impugned order is set aside. The appellants and their successors shall not claim any equities and the undertaking shall be binding on the appellants and their successors-in-title.

6) The appeal is disposed of in the above terms. In the circumstances, parties to bear their own costs.

JUDGE