

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION(CAW) NO.2327 OF 2014

IN

WRIT PETITION NO.3539 OF 2013.

(RAMESH SAMBESHIVRAO AGLAWE..VS..ADDITIONAL COMMISSIONER, NAGPUR & OTH.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : JUNE 09, 2015.

Heard Mr.R.K.Thakkar, the learned advocate for the respondent No.4 and Shri N.B.Jawade, the learned advocate for the petitioner.

This application is filed by the respondent No.4 praying that the interim order granted by this Court be vacated and that the petitioner be restrained from creating third party interest in the suit property during pendency of the writ petition.

Mr. Thakkar, the learned advocate has submitted that the petitioner had not informed the respondent No.4 before circulating the matter inspite of the fact that the notice of caveat application was served on the petitioner. Though it is submitted that the cause list dated 9th July, 2013, in which the matter was listed, had not reflected the name of the learned advocate appearing for the respondent No.4, such statement is not made in the application. On 29th November, 2013 this Court continued the interim order after hearing the learned advocate for the petitioner and the learned A.G.P.

This Court has recorded that none appeared for respondent Nos. 4 and 5 though served. For this also there is no explanation by the respondent No.4. In view of this, the interim order granted by this Court cannot be vacated on the ground as raised by the respondent No.4.

As far as the prayer made by the respondent No.4 that the petitioner be directed not to create third party interest in the suit property during the pendency of the writ petition, the respondent No.4 has not placed sufficient material on the record to justify the apprehension. It is well established that the order of injunction, as sought by the respondent No.4, cannot be granted only on mere apprehension.

The Civil Application is dismissed with costs quantified at Rs.One Thousand to be paid by the respondent No.4 to the petitioner within one month.

JUDGE