

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

APPEAL AGAINST ORDER NO.90/2014

Rajesh s/o Awadhut Raghute

..Versus..

Kirtidhar Co-operative Housing Society, through its Secretary and another

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.

DATE : 2.3.2015

Heard Shri R.A. Gupte, the learned advocate for the appellant.

None appears for the respondents.

Admit.

C.A.A. NO.99/2014.

If the respondents file an undertaking before this Court within

four weeks, stating that if the appellant/plaintiff succeeds the

respondents will not claim any equities in view of construction

undertaken by them, then the respondents are permitted to undertake the construction. If the respondents fail to file undertaking within the stipulated time before this Court, there shall be interim injunction in terms of prayer clause (i) of the civil application which reads as follows :-

“i) grant temporary injunction against the respondent restraining them, their agents, or anybody acting through them from carrying out any construction on the suit plot during the pendency of appeal.”

The respondents will not create third party interest in the suit property without seeking leave of the trial Court.

The civil application is allowed in the above terms.

JUDGE