

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

APPEAL AGAINST ORDER NO.130 of 2014

(Hemant s/o Ramanlal Lalwani ..vs.. Shri Mahendra s/o Vitthalrao Sayankar and others)

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 : 04-02-2015

Heard Shri M.P. Khajanchi, the learned Advocate for the appellant, Shri Rajnish Vyas, the learned Advocate for the respondent Nos. 1 and 2 and Shri M.I. Dhattrak, the learned Advocate for the respondent No.3.

2. The appeal is filed by the original defendant No.4 challenging the order passed by the trial Court restraining the original defendants from creating third party interest in the suit property, till the final decision of the civil suit.

3. Though I do not see any reason to interfere with the findings recorded by the trial Court, by consent of the parties and to sub-serve the ends of justice, the following order is passed :

If the defendants create any third party interest in the suit properties, the defendants shall incorporate the

clause in the sale-deed showing that the proposed purchaser is given information about the pendency of the Special Civil Suit No.72/2014.

If any transfer is effected during the pendency of the civil suit, it would be governed by the doctrine of *lis pendens*.

With the above modifications to the impugned order, the appeal is disposed.

In the circumstances, the parties to bear their own costs.

JUDGE

pma