

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

937 CIVIL APPLICATION NO. 9964 OF 2016
IN SA/479/2012 WITH CA/8780/2012 IN SA/479/2012 WITH
CA/8781/2012 IN SA/479/2012 WITH CA/14439/2013 IN
SA/479/2012 WITH CA/9965/2016 IN SA/479/2012

BABAJI BHAGUJI KAWAD AND ORS
VERSUS
PARAVATIBAI HARICHANDRA GAIKHE GPA SUNIL HARICHANDRA
GAIKHE AND ORS

...
Advocate for Applicants : Bajaj Anil S.
Advocate for Respondents 1 & 2 : N.B. Narwade
...

CORAM : T.V. NALAWADE, J.
DATED : 15th July, 2016.

ORDER :

1. Civil Application No. 9964/2016 is filed for relief of injunction to prevent respondent No. 2 from making any construction of permanent nature in suit property. Heard both the sides.

2. The learned counsel for present appellants drew attention of this Court to order made by this Court on 24.9.2013. It appears that the learned counsel for respondent Nos. 1 and 2 had given undertaking that no construction of any kind will be made in the suit space and no change in the record will be made. In the present matter, it is contended that the respondents are now trying to make construction of first floor. In

view of the undertaking given, the respondents cannot be allowed to make such construction and so, the application is allowed and respondents are hereby prevented from making any construction of first floor. The application is disposed of.

3. The photograph shown to this Court is taken on record.

[T.V. NALAWADE, J.]

SSC/