

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

***APPEAL FROM ORDER NO.325 OF 2014
ALONG WITH
CIVIL APPLICATION NO. 373 OF 2014***

Satya Udyam Bharati & ors. ... Appellants

v/s

Laxman Maruti Kale ... Respondent

Ms.Varsha Palav i/by The Laureate for the appellants/applicants.

Ms.Bhagyashree Gawas i/by C.K.Tripathi for the respondent.

Coram: N.M. Jamdar, J.

Dated: 4 August 2016

P.C.:

The Appellants challenge the order passed by the Civil Judge, Senior Division, Pune, dated 19 December 2012 refusing the application filed by the Appellants/Plaintiffs to restrain the Respondent/Defendant from creating any third party rights in respect of the suit property. It is informed that the suit is now at the stage of evidence. Plaintiffs' cross-examination is over. In view of this position, since the suit is already substantially heard, it is expected that the suit will be disposed of in near future.

2 As regard the creation of third party rights are concerned,

learned counsel for the Respondent submitted that no third party rights have been created so far. The Respondent has shown no intention to create any third party rights even though the application for temporary injunction has been rejected four years back. In the circumstances, the apprehension of the Appellants that the Respondent will create third party rights as on today, has proved unwarranted. Therefore, it is not necessary to entertain the appeal. In case the Respondent intend to create any third party rights, the Respondent will place his intention in advance before the Civil Judge with copy to the Appellant. In that eventuality, it will be open to the Appellant to revive the present appeal from order.

3 The appeal from order is accordingly disposed of.

(N. M. Jamdar, J.)