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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.237 OF 2016
IN
SECOND APPEAL NO.145 OF 2016

Mrs.Deepti D. Ambavane & Anr.	...Applicants
V/s.	
Vikas M. Nakhwa & Anr.	...Respondents

Mr.Kishor Malpathak for the Applicants.

Mr.Sandesh Patil i/b Ms.Anusha Amin for the Respondent No.1.

CORAM : R.D. DHANUKA, J.
DATE : 31ST AUGUST, 2016.

P.C. :-

1. Rule. Mr.Patil, learned counsel for the respondent no.1 waives service. The civil application is heard forthwith.
2. By a separate order passed today by this Court, Second Appeal No.145 of 2016 is admitted on substantial questions of law formulated in the said order. I have heard the learned counsel for the parties. In my *prima-facie* view, the finding of the learned trial Judge as well as the lower appellate Court are perverse and contrary to law.
3. For the reasons recorded in the civil application, the civil application is made absolute in terms of prayer clause (a). It is made

clear that the appellants however, shall not create any third party rights in respect of the suit property during the pendency of this appeal.

4. No order as to costs.

(R.D. DHANUKA, J.)