

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

*CIVIL APPLICATION NO.777 OF 2015
IN
SECOND APPEAL NO.892 OF 2003*

Shri Dattatraya D. Dhavane ... Applicant.

IN THE MATTER BETWEEN

Shri Dattatraya D. Dhavane ... Appellant

V/s.

Shri Suryabhan S. Dhavane ... Respondent.

Mr. U.B.Nighot, Advocate for the Applicant/Appellant.
Ms.Sangeeta Yadav i/by Niranjan Shimpi, Advocates for
the Respondent.

***CORAM : N.M. Jamdar, J.
Friday 17 June, 2016.***

P.C. :-

Application is filed for restraining the respondent from creating third party rights. Suit and the appeal filed by the appellant for specific performance has been dismissed. The second appeal is pending. In view of lis pendens that applies, the appellant can always pursue claims against the subsequent purchaser if any. Therefore, adequate safeguard already been provided in

favour of the appellant, it is not necessary to pass any separate order, more particularly, since both the Courts have held against the appellant. Civil application is, accordingly, disposed of.

(N.M. Jamdar, J.)