

Sequeira

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

*APPEAL FROM ORDER NO. 311 OF 2015
Along with
CIVIL APPLICATION NO. 393 OF 2015*

Mehraj Business Inco Pvt. Ltd. ... Appellant
V/s.
Shri Sopan Tukaram Bhangare & ors. ... Respondents.

Ms.Meena Doshi, for the Appellant / Applicant.
Mr.V.S.Tadake, for Respondent Nos.1 to 17.

*Coram : N.M. Jamdar, J.
Thursday 23 June, 2016.*

P.C. :-

The Appellants challenged the order dated 18 August 2014 wherein the Application filed by the Appellant to restrain Respondents from creating third party rights in the suit property has been refused during the pendency of the Suit. Notice was issued in this Appeal on 14 September 2015. Respondents have been served.

2. Heard learned counsel for the parties.
3. In the impugned Judgment though the learned Judge has rejected the Application, he has recorded the statement of the Respondents that they will not create third party rights. Since the prayer of the Appellant in this Appeal is that Respondents should

not create third party rights, the statement which is made by the Respondents which is recorded in the impugned order will take care of the apprehension of the Appellant.

4. The learned counsel for the Respondent Nos.1 to 17 reiterates that statement that they will not create third party rights during the pendency of the Suit. As regards Respondent No.18 is concerned, as against the statement which is recorded, the Respondent No.18 has not come forward to state that recording of the statement in the impugned order is incorrect. Therefore, Respondent No.18 will also be bound by the statement made. Therefore, in view of this statement which is recorded in the impugned order, in the above mentioned circumstances which adequately protects the claim of the Appellant, no further order is required to be passed in this Appeal. Appeal is accordingly disposed off. All contentions of the parties in the Suit are kept open.

5. It is open to the Appellant to make an application to the learned Civil Judge for expeditious disposal of the Suit.

6. Civil Application does not survive and is disposed of accordingly.

(N.M. Jamdar, J.)