

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

**CIVIL APPLICATION NO. 1695 OF 2014
IN
FIRST APPEAL NO. 508 OF 2014**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Anthony Almeida for the applicant.
None for the respondents.

**CORAM : K. K. TATED, J.
DATED : 05/01/2016**

P.C.:

- . Heard learned Counsel for the applicant.
- 2 Though, the respondents are duly served, no one appeared on behalf of them when the matter called out.
- 3 In the present proceeding, this Court granted ad-interim relief by order dated 02.05.2014. Thereafter, the First Appeal admitted by this Court on 26.08.2014. In spite of service, no one appeared on behalf of Respondents.
- 4 Considering the submissions made by the learned counsel for the Applicant, averments made in the Application and as ad-interim relief continued which was granted by this court in Notice of Motion no. 2899 of 1999 on 26.04.2001, I am satisfied that

the Applicant has made out a case for allowing the present Civil Application.

5 Hence, the following order is passed:

a) Civil Application is allowed in terms of prayer clause (c) which read thus:

“c) That pending the hearing and final disposal of the Appeal the Respondent/defendant by himself his relatives, servants and agents or otherwise howsoever, be restrained by an order and injunction of this Hon'ble Court from in any manner interfering with the Applicants'/Plaintiff's possession of the suit flat or disturbing the Plaintiff's possession of the said flat and/or entering on the said flat without due process of law.”

b) At the same time, applicant is also restrained from creating any third party right, title and interest in respect of the suit premises i.e. Room No.17, Building No.38, L.T.G. Colony, Bhawe Nagar, Kurla, Mumbai till the hearing and final disposal of the First Appeal.

c) Civil application stands disposed off accordingly.

(K.K.TATED, J.)