

vai

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.794 OF 2015
IN
SECOND APPEAL NO.1344 OF 2004

Pandurang N. Gaikwad	...Applicant
V/s.	
The State of Maharashtra & Ors.	...Respondents

Mr.Pradeep Thorat for the Applicant.

Mr.M.G. Patil, A.G.P. for the State – Respondent Nos.1 and 2.

Mr.Dilip Bodake for the Respondent No.4.

CORAM : R.D. DHANUKA, J.
DATE : 16TH SEPTEMBER, 2016.

P.C. :-

1. Mr.Thorat, learned counsel appearing for the applicant states that all the respondents are served. None appeared for the respondent Nos.3 and 5.

2. By this civil application, the applicant seeks an injunction against the respondents, their agents, servants and/or persons claiming through them from creating any third party rights, title and interest in the suit property. By a separate order passed by this Court, the second appeal is already admitted by formulating substantial questions of law.

3. No affidavit in reply has been filed by the respondents. I have heard the learned counsel for the applicant and respondent no.4. The respondent nos.3 and 5 are contesting respondents insofar as this civil application is concerned. If the reliefs as claimed in the civil application are not granted, the second appeal would become infructuous.

4. I am of the view that the applicant has thus made out a case for grant of injunction in terms of prayer clause (a) of the civil application. It is ordered accordingly.

5. I therefore, pass the following order :-

a). The civil application is made absolute in terms of prayer clause (a). No order as to costs.

(R.D. DHANUKA, J.)