

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

***APPEAL FROM ORDER NO. 925 OF 2008
ALONG WITH
CIVIL APPLICATION NO. 1268 OF 2008***

Shri Govind Yeshwant Khalade & ors. ... Appellants/Applicants
v/s
Smt.Ranjanaraje Virdhaval Dabhade & ors.... Respondents

None present for the appellants.
Mr.S.S.Patwardhan for Respondent Nos.1 A.
Mr.Rohit Joshi i/by Ms.Gauri Godse for Resp. No.1 C.

Coram: N.M. Jamdar, J.

Dated: 21 June 2016

ORAL ORDER:

Heard learned counsel for the Respondents. None appears for the Appellants.

2 The appeal is filed by the original Plaintiff challenging the order passed by the learned Civil Judge, Senior Division, Pune, below Exh.5 in Special Civil Suit No.1913 of 2007. The grievance of the Appellants was that the application taken out by the Appellants/Plaintiffs for injunction was only partly allowed wherein the Defendant No.1 was restrained from disturbing the possession of the Appellants. However, the relief against Defendant No.1 not to create

third party rights, was refused. The appeal was admitted on 17 September 2008 and Respondent No.1 i.e. Defendant No.1 was directed to maintain status-quo. The suit is of the year 2007. The suit is filed seeking a declaration and order of permanent injunction. Respondent No.1 has been restrained from disturbing the possession of the Appellants. The order passed by this Court at the time of admission directing Respondent No.1 to maintain status-quo implies that Respondent No.1 i.e. Defendant No.1 would not create third party rights. Therefore, Respondent No.1 is restrained from creating any third party rights for the last almost six years.

3 In the circumstances, to avoid any further complications in the suit, it will be appropriate, subject to the rights and contentions of the parties in the suit at the time of trial, that the order passed by this Court extending the status-quo on 17 September 2008, is continued till the disposal of the suit. It is clarified that the extension is in the above facts and circumstances and all contentions of the parties on merits are expressly kept open.

4 The appeal is accordingly disposed of.

5 In view of disposal of the appeal, the civil application does not survive and is disposed of.

(N. M. Jamdar, J.)