

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.1068 OF 2015
with
CAF/3233/2015

Smt.Gangubai Bhumayya Gundetti ... Appellant

Vs.

Silveri Kurpanandam & Ors. ... Respondents

Mr.G.R. Rege a/w Ms.Leena Sawant i/b Ms.Swati Dinkar Sawant for the
Appellant

Mr.R.K. Mendadkar a/w Helen Koli-Mandlik for Respondent Nos.1 & 2

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **6th JANUARY, 2016**

P.C.:

1. Heard.
2. Admit. Respondent Nos.1 and 2 waive notice through their Counsel.
3. The appellants shall file private paperbook within a period of one year from today and if the same is not filed, the appeal to stand dismissed without reference to Court.

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4. The Civil Application is moved by the appellants wherein an order of injunction is prayed against the respondent Nos.1 and 2 that they should

not transfer the tenancy and create any third party rights in respect of the suit premises and also not to create any interest in the suit premises.

5. Mr.Mendadkar, learned Counsel for Respondent Nos.1 and 2, who are the contesting parties, submits that admittedly, they are at present in possession of the suit premises. He submits that respondent Nos.1 and 2 have taken out proceedings before the Small Causes Court against the present appellants to establish their right as a tenant and the said proceedings are pending before the Small Causes Court. Therefore, no injunction to that effect can be granted by this Court, at this stage. He makes a statement that respondent Nos.1 and 2 shall not transfer the property in anybody's name and shall not part with the property in any manner and shall not create any interest.

6. In view of the above, Respondent Nos.1 and 2 are hereby directed not to create any third party interest or any encumbrance in the said property in any manner. The Respondent Nos.1 and 2 are also directed not to part with the property in any manner, pending appeal.

7. Civil Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)