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

WRIT PETITION (L) NO. 23990 OF 2016

Haiderbhoy Abdulhusein Kachwalla & Anr. ...Petitioners
vs
Prasad Arvind Thakur & Ors. ...Respondents

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Mr Rahul Narichania Sr. Advocate a/w Mr Prathamesh Kamat h/f Mr
Murtaza H. Kachwalla for the Petitioners
Mr Prathamesh Gupte a/w Amey Deshpande for Respondent No.1.
Mr Sandip Babar AGP for State.

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**CORAM : N. M. JAMDAR, J.
17 OCTOBER, 2016**

P.C. :

The Petitioners have challenged the orders passed by the learned Civil Judge, Senior Division, Pune and learned District Judge, Pune, whereby the application for interim relief taken out by the Petitioners/Plaintiffs to restrain Defendant No.1 from creating third party rights and encumbrances over the suit property, in any manner, has been rejected. Heard learned counsel for parties. Learned counsel for Respondent No.1 submits that Respondent No.1 has no concern with the property described in the plaint and the property of Respondent No.1 is different. He also submits that since Respondent No.1 has no concern with the property described in the plaint, he will not create any third party rights or encumbrances over the suit

property and disturb possession of the Petitioners in respect of the suit property described in the plaint. In view of this statement, main relief that is sought by the Petitioners in this Petition to restrain Defendant No.1 from creating any third party rights or disturbing possession of the Petitioners in respect of the suit property, stands granted. No further orders are required to be passed in this Writ Petition. The Writ Petition stands disposed of. It is clarified that the observations made in the impugned order are *prima facie* and the suit will be decided on its own merits. It is open to the Petitioner to make request for expeditious hearing of the suit, considering the age of the Petitioner.

(*N.M.JAMDAR J.*)