

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

**CIVIL APPLICATION NO. 4405 OF 2016
IN
FIRST APPEAL NO. 917 OF 2016**

Vyankatesh Shankar Sawant & Ors.	...	Applicants/ Appellants
Versus		
Ramesh Pandurang Sawant & Ors.	...	Respondents

Mr.Rajesh S. Patil for Applicants/Appellants.
Mr.S.A. Rajeshirke for Respondent No.1.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 19TH OCTOBER, 2016.

P.C. :

1] This application is preferred by the appellants/applicants seeking the relief of injunction restraining the respondent no.1 by way of order of interim injunction from dealing with, disposing of or creating any third party interest in respect of the possession of the suit land. The appellants are dis-satisfied that the order dated 7th December, 2015 passed by the District Judge, Ratnagiri in Civil Application No.48 of 2007.

2] As per the appellants-applicants, respondent no.1 is creating third party interest in the Devasthan property. To substantiate his contention he has relied upon the Survey Copy of Village Form No.6 and 7 which

according to him shows that respondent no.1 has illegally created third party right in respect of Devasthan properties. The copies of Form No.6 and 7 are produced alongwith application. However, those certified copies reveal that the third party right was created by way of gift deed in the year 1963 on 10th May, 1963. Now on the basis of such entry in the form it cannot be accepted that there is reasonable apprehension of respondent no.1 creating third party interest in the suit land. As regards the contention that respondent no.1 has given on yearly basis Mango fields pertaining to Devasthan to Mango Merchant, there is absolutely nothing to substantiate this apprehension or contention also. Hence, the application stands rejected.

(DR.SHALINI PHANSALKAR-JOSHI, J.)