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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1747 OF 2016
IN
SECOND APPEAL NO.612 OF 2013

Sadashiv B. ChouguleApplicant

IN THE MATTER BETWEEN :

Babu R. Chougule, since deceased
through His L.Rs. - Shankar B. Chougule & Ors. ...Appellants

V/s.
The Ratnakar Bank Limited & Ors. ...Respondents

Mr.A.S. Magdum i/b Mr.S.S. Patwardhan for the Applicants.

Mr.T.S. Ingale for the Respondent No.1-A.

CORAM : R.D. DHANUKA, J.
DATE : 7TH DECEMBER, 2016.

P.C. :-

1. By this civil application, the applicant (original respondent no.2(1-A) seeks injunction against the original appellants and seeks expeditious hearing of the second appeal.

2. Learned counsel appearing for the original appellants submits that his client will not create any third party rights during the pendency of the second appeal. The statement is accepted. He invited my attention to the affidavit dated 17th November, 2016 filed by

his client.

3. A perusal of the said affidavit indicates that the original appellant has made a statement before this Court that neither he, nor any of the other respondents to the civil application have any intention to sell or dispose of the suit property. He has also rendered an undertaking before this Court not to sell or dispose of the suit property without the leave of the Court. The undertaking rendered by the original appellant in the said affidavit is accepted. In view of the undertaking recorded by the appellants, the civil application is made absolute in terms of prayer clause (a).

4. Considering the age of one of the party, who is senior citizen, hearing of the second appeal is expedited. The appellants are directed to file private paper book within six months from today and a copy thereof shall be served upon the respondents' advocate simultaneously.

5. The office is directed to place the second appeal on board for hearing in the list of "Expedited Matters (Senior Citizen)".

6. The civil application is accordingly disposed of in aforesaid terms. No order as to costs.

(R.D. DHANUKA, J.)