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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1682 OF 2013
IN
SECOND APPEAL NO.235 OF 2011

Dattatraya K. Sapkal	...Applicant
V/s.	
Narhar W. Deshpande, since deceased through His L.Rs. - Vinaya P. Punde & Ors.	...Respondents

Ms.Pratibha Shelke i/b Mr.Pradeep Thorat for the Applicant.

Mr.P.B. Shah for the Respondent Nos.1(A) to 1(E).

Mr.A.R. Gole for the Respondent Nos.4 to 6.

CORAM : R.D. DHANUKA, J.
DATE : 16TH SEPTEMBER, 2016.

P.C. :-

1. By this civil application, the applicant seeks an injunction against the respondents from carrying out any new construction in the suit properties and / or demolishing the structure situated on the suit properties. The applicant also seeks an injunction from creating any third party rights in respect of the suit properties and / or demolishing any structure. Mr.Shah, learned counsel appearing for the respondent nos.4 to 6 states that the construction is already complete. He submits that there was no injunction in favour of the applicant granted

by any Court below till date and thus no relief in terms of prayer clause (b) can be granted by this Court.

2. He submits that if any third party rights are created by the respondents in respect of the suit properties in future, the respondents will inform such third parties about the pendency of the appeal filed by the applicant herein. The statement is accepted.

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

(R.D. DHANUKA, J.)