

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.878 OF 2016

IN

FIRST APPEAL NO. 347 OF 2016

Shri Rakesh D. Sonigara and Another

..Applicants

Vs.

Shri Baban G. Wakale and Others

..Respondents

Mr. Amol Parwatkar i/b Mr. Suneel Mogre, for the Applicants.

**CORAM :- S.C. DHARMADHIKARI &
B.P.COLABAWALLA, JJ.**

DATE :- DECEMBER 2, 2016.

P. C.:

Having heard the Applicants' advocate, we find that the Applicants' claim for specific performance is dismissed. No decree is passed to that effect. Until and unless the findings in that regard are set aside, it would not be proper to restrain the Respondents from parting with the possession of the suit property.

2 Needless to clarify that in the event the applicants succeed in the appeal all consequences in law must follow. Hence, Civil Application is entirely misconceived and is dismissed.

(B. P. COLABAWALLA, J.) (S. C. DHARMADHIKARI, J.)