

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
Appeal against Order No.4 of 2016
(Vinod s/o Hiranman Bhitre v. Prashant s/o Sukhdeorao Patil and others)

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders
and Registrar's order

Shri B.G. Kulkarni, Advocate for Appellant.
Shri R.T. Anthony, Advocate for Respondent No.3.

Coram : R.K. Deshpande, J.
Date : 13th April, 2016

The Trial Court dismissed the suit for cancellation of the sale-deed dated 6-9-2007 on the ground that the appellant/plaintiff has not claimed the relief of specific performance of contract dated 13-6-2005. The appeal preferred by the appellant/plaintiff is pending before the lower Appellate Court, in which the application for grant of injunction was filed restraining the respondent No.3, as the purchaser of the property, from carrying out the activities of construction during the pendency of the appeal. The said application has been rejected by the lower Appellate Court. Hence, this appeal.

In view of the aforesaid factual position, there is no reason to disturb the order passed by the lower Appellate Court.

The appeal is dismissed.

Judge.