

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

APPEAL AGAINST ORDER NO.13 OF 2016

(NIRBHAY CHANDRABHAN CHAVAN...VS..M/S. KESHAV CONSTRUCTIONS, NAGPUR)

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

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : SEPTEMBER 28, 2016.

None appeared for the respondent on 20th September, 2016. Today also there is no appearance on behalf of the respondent.

Heard Shri C.F.Bhagwani, advocate for the appellant/ original defendant.

It is submitted that the trial Court has committed an error by passing order of temporary injunction restraining the defendant from creating any third party interest in the suit property till the disposal of the civil suit, when there is nothing on record to show that the defendant intends to dispose the property or create third party interest in the suit property. On 7th March, 2016 while issuing notice, this Court has recorded the statement made on behalf of the appellant/ defendant that the appellant / defendant does not intend to create any third party interest in the suit property. The learned advocate for the appellant/ defendant, on instructions, states that the defendant stands-by the statement made before this Court and as recorded in the order dated 7th March, 2016.

In view of the statement made on behalf of the defendant, I am not inclined to examine the legality of the impugned order as the restraint order passed by the trial Court does not affect the defendant.

The appeal is **dismissed**. In the circumstances, the parties to bear their own costs.

JUDGE

RRaut..

CERTIFICATE

I certify that this order uploaded is a true and correct copy of original signed order.

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