

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.1657 OF 2017
(Laxmibai Narayan Patil Vs. Rafiyoddin Shaikh Usman and others)
IN
SECOND APPEAL NO.1013 OF 2005

Ms.Shivani Kulkarni h/f Mr.S.P.Shah, Advocate for the applicant.
Mr.P.V.Barde, Advocate for respondent Nos. 13 and 14.
Mr.N.L.Choudhari, Advocate for respondent Nos. 8, 9 and 11.

CORAM : RAVINDRA V. GHUGE, J.)

DATE : 15/12/2017

PER COURT :

1. I have heard this matter for some time.
2. Learned Advocate for the non-applicant Nos. 13 and 14 submits that these opponents are contesting parties as they are the owners and possessors of the suit property. Mr.Choudhary, learned Advocate submits that he represents the predecessors in title who have sold the property to respondent Nos. 13 and 14.
3. Mr.Barde submits on instructions from respondent Nos. 13 and 14 that during the pendency of the second appeal, subject to the condition that it be taken up for final hearing expeditiously, they would not alienate the suit property or create third party interests.

In the event of any emergent situation, they may apply to this Court for orders on this count. He, therefore, submits that this civil application can be disposed of by recording the said statement.

4. Learned Advocate for the applicants is agreeable.

5. This civil application is, therefore, disposed of by recording the statement of respondent Nos. 13 and 14. Needless to state, the litigating sides would be at liberty to move this Court in the event of any exigency.

6. List SA No.1013/2005 for final hearing on 01/02/2018, subject to furnishing of the paper book.

(RAVINDRA V. GHUGE, J.)