

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 1530 OF 2017
IN
WRIT PETITION NO. 603 OF 2010**

Sayeed Begum Gul Mohd. Khan & Ors. .. Applicants

Versus

Muniroddhin Sharfoddin Kavijang alias .. Respondents
Jahagirdar & Ors.

Mr.R.R. Totla h/f. Mr. B.M. Kate, Advocate for the applicants.

Mr.R.R. Mantri, Advocate for the respondent/petitioner in w.p.

CORAM : S.B. SHUKRE, J.

DATED : 13.02.2017

P.C. :-

1. Heard learned Counsel for the applicant and learned Counsel for the original petitioner. By this application, relief has been sought against the original petitioner in the nature that he be restrained from creating third party interest and changing the nature of the suit property till the disposal of the writ petition.

2. In order that such prayer can be sustained, it is necessary for the party making such prayer to base the apprehension nurtured upon some instances by giving some details, so that the Court can view it as a reasonable apprehension warranting issuance of such restraining

order. Perusal of the application discloses that no such details and no such instances are given in the application. Learned Counsel for the applicants has invited my attention to some photographs filed along with this application showing that some construction is going on somewhere. It is not known as to on what property this construction is going on, at whose behest it is being done and what was the starting point of the construction. These photographs are not supported by averments made in the application as necessary details are lacking in the application. Admittedly, there are five suit properties and therefore general reference to the "suit property" would not be sufficient.

3. Learned Counsel for the applicants submits that he would get further instructions in the matter and submit additional affidavit. This is not something which can be supported only when deficiencies are pointed out by the Court. If such construction was really there, I do not think that applicants would have failed to pin point the same in the manner discussed earlier at the time of filing of the application itself. Therefore, the request for submitting additional affidavit cannot be granted. In the circumstances the application deserves to be rejected and it is rejected accordingly with costs.

4. Rejection of this application, however, shall not come in the way of the applicants to make similar application provided it is warranted by the change in the circumstances.

[S.B. SHUKRE,J.]