

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**APPELLATE SIDE CIVIL JURISDICTION**

APPEAL FROM ORDER NO. 492 OF 2016
 WITH
 CIVIL APPLICATION NO.639 of 2016

...

Uday Ghanshyam NaikAppellant

V/S

Gajanan Hari Thakur And OrsRespondent

...

Mr. Rajiv Narula a/w Ms. Sweta Doel I/b M/s Jhangiani Nerula for the Appellant.

Mr.Sunil Kale i/b Navdeep Vora & Asso. for the Respondent No.7.

Mr.Chirag Modi for Respondents Nos.1 to 6.

Mr.M.S.Lagu for Respondent No.10

Mr.A.G.Hulke AGP for Respondent No.8.

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CORAM : A.A. SAYED, J.

DATED : 30 JANUARY 2017

P.C.:

Learned Counsel for the Appellant and the learned Counsel for the Respondent No.7 are agreed to the following order being passed:

(i) In the event the Respondent No.7 seeks to part with possession or create third party rights or make any construction on the suit plot, the Respondent No.7 shall give prior notice of eight weeks to the Appellant;

(ii) In the event such notice is given, the Appellant would be at liberty to move a fresh Application for injunction before the Trial Court;

(iii) In the event such Application is filed, the Trial Court shall decide the same on its own merits and without being influenced by the impugned order;

(iv) All contentions of the parties are kept open;

2. Appeal From Order is disposed of in the above terms. The Civil Application does not survive and shall also stand disposed of.

(A.A. SAYED, J.)