

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

**CIVIL APPLICATION NO. 1552 OF 2014
IN
SECOND APPEAL NO. 64 OF 2014**

Ramnath Kachru Sangale ... Applicant
V/s.
Subhash Pandurag Sangale & ors. ... Respondents

...
Mr. S. S. Patwardhan for the applicant.
Mr. M. M. Sathaye for respondent nos.1 to 3.
...

CORAM : S. C. GUPTE, J.

DATE : 24 FEBRUARY, 2017.

P.C. :

. Heard the learned counsel for the parties.

2. This Civil Application seeks an interim injunction restraining the respondents (Original defendants) from obstructing the applicant's (original plaintiff's) possession of the suit property. The plaintiff has sought in his suit permanent injunction in this very term. The suit was originally decreed by the Trial Court *inter alia* holding him to be in possession of the suit property. The appellant's possession with a protective relief in his favour continued thereafter during the pendency of the First Appeal. The First Appeal, filed by the respondents, was allowed

by the District Court at Nashik on 1st October, 2013. The interim relief, however, was continued for a limited period. Thereafter, on the appellant's application, ad-interim injunction in the same terms has been continued by this Court after admitting the Second Appeal herein on a substantial question of law. In the premises, there is a case for continuing the ad-interim injunction pending hearing of the Second Appeal.

3. Learned Counsel for the respondents, however, submits that such injunction amounts to granting of a protective relief against the real owner, whose title document shows that possession was made over to him by the predecessors of the present appellant. Learned Counsel submits that in the premises, at the most, this Court should grant a status quo order as of today and not restrain the respondents from disturbing the appellant's possession.

4. The status quo operating as of date itself suggests that it is the appellant who has been in possession of the suit property throughout the pendency of the proceedings before the Courts below as well as before this Court and the respondents have been restrained from disturbing the appellant's possession. Perpetuation of this status quo clearly warrants protecting the appellant's possession of the property and restraining the

respondents from disturbing the same. Accordingly, ad-interim order passed on 2nd December, 2014 is confirmed during the pendency of the Second Appeal and the Civil Application is disposed of accordingly.

5. On application of the respondents, hearing of the Second Appeal is expedited. The appellant has already filed a paper book and the parties are ready for hearing.

6. The Second Appeal to be placed on the hearing board for the week commencing from 3rd April, 2017.

(S. C. GUPTE, J.)