

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

**CIVIL APPLICATION NO. 414 OF 2015
IN
SECOND APPEAL (ST) NO. 3046 OF 2015**

Shri Balkrishna @ Balu Baburao Ghodke & Ors. ...Applicants

vs.

Shri Mulidhar Haribhau Ghodke & Ors. ...Respondents

Ms.Payal Jain for Applicants / Appellants.

Mr.T.N. Sonawane for Respondent Nos.1 to 3.

CORAM : S.C. GUPTE, J.

1 MARCH 2017

P.C.:

Heard learned Counsel for the parties.

2 This civil application seeks interim injunction restraining Respondent Nos.1 to 3 (original Defendant Nos.1 to 3) from creating third party rights in the suit premises. The original suit was for partition of the property, and was dismissed by both courts below.

3 Learned Counsel for the Respondents opposes the application.

4 Since the appeal has been admitted, the interim injunction operating in favour of the Appellants (original Plaintiffs) and since continued by this court, will have to be continued during the pendency of the second appeal.

5 Accordingly, the civil application is disposed of by granting

interim injunction in terms of prayer clause (b) thereof. The hearing of the second appeal is expedited.

(S.C. GUPTE, J.)