

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

**CIVIL APPLICATION NO. 1079 OF 2015
IN
SECOND APPEAL NO. 38 OF 2008**

Shamrao Hambira Shinde,
since deceased through his Lrs.
1A) Smt.Tarubai Shamrao Shinde & Ors. ...Applicants

In the matter between :

Kashinath Hambira Shinde,
since deceased through Lrs.
1A) Smt.Walubai Kashinath Shinde & Ors. ...Appellants
vs.

Shamrao Hambira Shinde,
since deceased through his Lrs.
1A) Smt.Tarubai Shamrao Shinde & Ors. ...Respondents

Mr.G.T. Kanchanpurkar I/b. S.G. Deshmukh for Applicants.
Ms.Aditi Naikare I/b. R.A. Thorat for Respondents/Orig. Appellants.

CORAM : S.C. GUPTE, J.

8 FEBRUARY 2017

P.C.:

This civil application taken out by original Respondent No.1 seeks interim restraint on creation of third party rights by the Appellants and Respondent Nos.2 and 3. The Appellants have already made it clear, as noted by this court on 17 July 2015, that they do not intend to create third party rights in the suit property. The application, in view of the statement, is not pressed against the Applicants. Respondent nos.2 and 3 are absent.

2 This court, as far back as on 17 July 2015, had granted ad-interim order directing Respondent Nos.2 and 3 not to create third party

interest in the suit property. These Respondents are absent despite service. The ad-interim order passed against these Respondent on 17 July 2015 is, accordingly, confirmed for operation during the pendency of the second appeal.

3 The civil application is disposed of accordingly.

(S.C. GUPTE, J.)