

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

**CIVIL APPLICATION NO. 1569 OF 2016
IN
SECOND APPEAL NO. 795 OF 2016**

Smt.Anusuya Govind Patil & Ors.	...Applicants
vs.	
Shri Balbir Onkar Singh & Anr.	...Respondents
Mr.Nitin Gangal for Applicants.	

CORAM : S.C. GUPTE, J.

24 FEBRUARY 2017

P.C.:

The second appeal was admitted on 27 January 2017 on two substantial questions of law mentioned in the order. On the same day, by a separate order, rule was issued on the civil application. The Applicants / Appellants were directed to effect service on the Respondents by the next date. In the meantime, until further orders, ad-interim injunction order was passed in terms of prayer clause (b) of the civil application.

2 Rule was sought to be served by private service, as ordered by the court. The Respondents, however, have refused service, which is returned with the remark “unclaimed”. This despite the fact that earlier service has been accepted on this very address. The Applicants have filed an affidavit of service to that effect. Since the second appeal, which is admitted by this court on 27 January 2017 on substantial questions of law, relates to an immovable property, it is necessary to protect the property during the pendency of the appeal by restraining the Respondents from creating third party rights or disturbing the possession of the Appellants.

3 Accordingly, ad-interim order passed on 27 January 2017 is confirmed during the pendency of the second appeal and the civil application is disposed of.

(S.C. GUPTE, J.)