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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 1322 OF 2013**

Raees Ahmed Abdul Majid Qureshi & Ors	...Appellants
<i>Versus</i>	
Munir Ahmed Noor Mohd Qureshi	...Respondent

Mr Mohan N Dhamal, *for the Appellants.*
Mr AS Siddiquie, *i/b AA Siddiquie & Associates, for the Respondent
& Appellant in AO/182/14 & CAA/285/17.*

CORAM: G.S. PATEL, J
DATED: 3rd July 2017

PC:-

1. The Appeal is directed against an order dated 19th March 2013 partly allowing the Plaintiffs' Notice of Motion to the limited extent of restraining the Defendants from alienating the suit premises until further orders. In short, the parties were kept in *status quo* pending the Suit.

2. The Defendant is in Appeal. It is argued that the Defendant's statement at paragraph 15 of the Written Statement was sufficient. Here the Defendants have said that they cannot and do not intend to sale or dispose of the suit premises to anybody and hence there is no question of appointing a Receiver or granting an injunction.

3. Whether that statement is accepted as an undertaking to the Court or there is an injunction in those terms is entirely immaterial, the effect is the same. The fact that an order of restraint has been passed does not mean that the contentions of the Plaintiffs have been accepted. It is only necessary, while dismissing the Appeal, to observe that the Suit will be decided on its own merits uninfluenced by the findings and observations in the impugned order.

4. The Appeal from Order is disposed of in these terms with no order as to costs.

(G. S. PATEL, J.)