

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Civil Application [CAS] No. 913 of 2016
IN
Second Appeal No. 424 of 2016
[Noorjaha Mohd. Rafique Sheikh Vs. Vasant Shivram Waghe & another]

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

Mr. S. P. Hedao, Adv., for the applicant.
Mr. Shriram Deoras, Adv., for respondent nos. 1 and 2.

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CORAM : A. S. CHANDURKAR, J.

DATE : 21st August, 2017

By this application, it is prayed that the decree passed by the appellate Court be stayed and the respondents be restrained from creating third-party rights over the terrace/roof of room no.3 belonging to the appellant. It is submitted that the trial Court had restrained the defendants from creating third-party rights in the suit property; but the appeal filed by the defendants has been allowed.

Reply has been filed on behalf of the respondents opposing the application. It is stated that the appellant has no right over the terrace/roof of room no.3 and, therefore, the appellate Court rightly dismissed the suit.

The appeal has been admitted after framing a substantial question of law. Though there is no question

of staying the execution of the decree passed by the appellate Court, the respondents are required to be restrained from creating any third-party rights over the terrace/roof of room no.3 so as to avoid any further multiplicity of proceedings.

Accordingly, application is disposed of by directing the respondents not to create third-party rights over the suit property during pendency of the appeal.

Judge

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