

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.**

**904 CIVIL APPLICATION NO.7092 OF 2018
IN SA/378/2014**

**VISHAL VIJAY BOKADIA GPA VIJAY SWARUPCHAND BOKADIA
VERSUS
SHAIKH NOOR MOHAMMAD OSMAN BHAI AND ANOTHER**

...
Advocate for Applicant : Shri Anil H. Kasliwal
Advocate for Respondent No.1 : Shri L.B. Palod
...

CORAM : PR. BORA, J.
Dated: JUNE 12, 2018

PER COURT :

1. Heard Shri Kasliwal, learned Counsel appearing for the appellant/applicant and Shri Palod, learned Counsel appearing for respondent no.1.

2. The appellant has filed the present application seeking orders against the respondents restraining the respondents from changing the nature of the suit property. Learned Counsel, Shri Kasliwal submitted that, earlier an order has been passed restraining the respondents from creating any third party interest in the suit property. Learned Counsel submitted that, now respondent no.1 has erected some structure over the said property. According to Shri Kasliwal, because of such construction, the nature of the suit property is being changed. It is further apprehension in the mind of the appellant that, respondent no.1 may induct somebody in the house or

shed so erected in the suit property. As such, the request is made for restraining the respondents from changing the nature of the suit property.

3. Learned Counsel, Shri Palod contended that, respondent no.2 has expired and his legal heirs are not yet brought on record. Thereupon, learned Counsel, Shri Kasliwal submitted that, he is seeking the relief only against respondent no.1.

4. After hearing the parties, it appears to me that, in view of the fact that already there is an order restraining the respondents from creating any third party interest in the suit property even if some shed or structure is erected in the suit property, which according to respondent 1 has been erected for beneficial enjoyment of the said property, it may not be permissible for respondent no.1 to induct anybody in the shed or house so erected in the suit property. The earlier order appropriate takes care of the apprehension as has been expressed by the appellant. In the circumstances, it does not appear to me that, any further order requires.

5. The Civil Application (No.7092 of 2018), therefore, stands disposed of.

(PR. BORA, J.)