

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

**CIVIL APPLICATION NO. 2248 OF 2018
IN WP/4521/2011**

**BHIMASHANKAR MALIKARJUN MAHAMANE DECEASED TH LRS
SHAKUNTALA BHIMASHANKAR MAHAMANE
VERSUS
TRIMBAK GANPAT KHARGE DECEASED LRS VITHAL TRIMBAK KHARGE
AND OTHERS**

...
Advocate for the Applicants : Ms.R.M.Mohale h/f Shri Choudhary S.S..
Advocate for the Respondents : Shri V M Humbe.
...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 26th October, 2018

Per Court:

1 By this Civil Application, the original Petitioners pray for injunctory reliefs against the original Respondents. It is submitted that though by order dated 12.02.2016 passed in Civil Application No.14827/2015, this Court had directed the Respondents not to create third party interest, they are now developing the property. They should be, therefore, injuncted from developing the suit property.

2 Shri Humbe, learned Advocate for the Respondents, submits that the suit property has already been disposed of prior to the initiation of the litigation before the Trial Court. The property has been fully developed and those parties, to whom the said properties have been sold,

are already in possession and are enjoying the property.

3 Considering the above, this Civil Application is disposed of.

4 However, it be noted that the Petitioners would be at liberty to indicate that such creation of third party interest/ alienation of the property was after the litigation was initiated and in view thereof, such creation of third party interest would be subject to the result of the writ petition.

kps

(RAVINDRA V. GHUGE, J.)