IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.256 OF 2013

Shri Prakash Gobindrao Ahuja ... Appellant

Vs.

Ganesh Pandharinath Dhonde & ors. … Respondents

Mr.A.V. Anturkar, Senior Advocate i/b S.B. Deshmukh for the Appellant
Mr.Hemant Ghadigaonkar for Respondent No.6
Mr.R.R. Lanjekar for Resp. No.7

CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: JANUARY 8, 2018

P.C. :

1. In this case, the trial Court has rejected the application for temporary injunction (exhibit 5) by its order dated 12.12.2012 passed by the learned Joint Civil Judge Senior Division, Kalyan. The appellant i.e., the original plaintiff, has filed a suit for specific performance in respect of the suit land and sought temporary injunction restraining defendant No.7, who is an earlier purchaser.

2. The learned Senior Counsel appearing for the appellant submits that the order is of 2012. In this case, the sale permission is already granted in favour of defendant No.7 and the sale deed

was executed in favour of defendant No.7 by the original defendant Nos.1 to 6. In view of this, the learned Senior Counsel submits that as the order is of the year 2012 and as the issues are framed so, the suit may proceed. He prays that a limited relief that if defendant No.7, the main contesting respondent, is going to dispose of the property, then, he be directed to intimate the trial Court about such proposed sale / transfer.

3. The learned Counsel for defendant No.7 i.e., the respondent No.7, who is the main contesting party and who is present in the Court, submits that he has purchased this property for his own use and occupation and he is not likely to dispose of the property. However, he submits that if he intends to sell or transfer the said property to any other person, then, he will inform about such transaction to the trial Court.

4. In view of the submissions of the learned Counsel, no order is required to be passed except for the following:

i) There is no need to interfere with the order passed by the trial Judge.

ii) The respondent i.e., defendant No.7, shall intimate the trial Court at least 4 weeks in advance in case he wants to transfer, sell or alienate his property to a third party;

5. Appeal from Order and the Civil Application stand disposed of in the above terms.

(MRIDULA BHATKAR, J.)