

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**Civil Application NO. 183 OF 2018**  
**IN**  
**Civil Revision Application NO. 582 OF 2016**

|                                                                      |               |
|----------------------------------------------------------------------|---------------|
| Framroz Apartments Private Limited                                   | ...Applicant  |
| <i>Versus</i>                                                        |               |
| Mrs Katie Savak Merchant<br>(since Deceased) Rohinton Savak Merchant | ...Respondent |

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Mr. Vaibhav Sugdare i/b. Deepak A. Lad, Advocate for the Applicant.  
Mr. B.C. Ligade i/b. D.S. Patil, Advocate for the Respondent.

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CORAM : R. G. KETKAR, J.

DATE : 12th APRIL, 2018

P.C.

1. Heard Mr.Sugdare, learned counsel for the applicant and Mr.Ligade, learned counsel for the respondent, at length.
2. By this application, the applicant/plaintiff has prayed for injunction restraining the respondent/defendant from alienating, encumbering or creating any third party rights in respect of Flat No.6, 2<sup>nd</sup> Floor, Framroz Court Building, situate at 205, Marine Drive, Mumbai – 400 020 (for short, 'suit premises').
3. Mr. Sugdare submitted that during pendency of the suit, the learned trial judge on 4.10.1995 had issued injunction restraining the

defendant from parting with the possession in any manner whatsoever in favour of any third party till the decision of the suit. He submitted that by order dated 6.10.2005, the learned trial Judge decreed the suit. At the oral application made by the defendant herein the eviction decree was stayed subject to the condition of the defendant neither parting with the possession nor creating third party interest and furnishing undertaking to that extend within two weeks from the date of the order. He, therefore, submitted that pending this Petition, the defendant may be restrained from alienating, encumbering or creating any third party rights in respect of the suit premises.

4. Mr. Ligade submitted that the defendant is present in Court today. He has tendered a photo-copy of his driving licence, which is taken on record and marked 'X' for identification. Upon taking instructions from him, Mr. Ligade states that the defendant will not alienate, encumber or create any third party rights in respect of the suit premises. The statement made by Mr. Ligade, on instructions, is accepted in the form of undertaking to this Court.

5. In view thereof, Civil Application is disposed of.

(R. G. KETKAR, J.)