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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER No. 322 OF 2018
WITH
CIVIL APPLICATION No. 422 OF 2018

Shree Sita Developers & Ors. ... Appellants
Vs.
Sadashiv Trambakrao Rajebahadur & Ors. ... Respondents
Mr. Prasad Dhakephalkar, Sr. counsel I/b Ms. Jaswanti Anil
Khatur, for the Appellant.
Mr. Milind M. Sathaye, for the Respondents.

CORAM : V. M. DESHPANDE, J.

DATE : JULY 9, 2018

PC :-

1. Heard the learned senior counsel for the Appellants and the learned counsel for the Respondents. Present appeal is filed against the order passed below Exhibit 5 in Special Civil Suit No. 145 of 2014 by the learned Jt. Civil Judge, S. D. Nashik. By the said impugned order, the learned Judge of the Court below has allowed application for temporary injunction filed by the respondents / original plaintiffs. By allowing the said application, learned court below has injuncted the Appellants / original defendants that during pendency of the suit, they shall

not execute any conveyance to any third party and / or shall not create third party interest, whatsoever of any nature, and also shall not change nature of suit property.

2. After hearing the learned counsel for the parties and after perusing the impugned order, in my view, order passed by the court below does not suffer from non-application of mind and the learned Judge has considered the pleadings and the available documents on record and has passed the impugned order. Therefore, it cannot be termed that any perversity has crept in the impugned order since grant of temporary injunction is a discretionary relief and once it is found that it has judiciously exercised, normally, the appellate court shall be slow in interfering with the discretion exercised by the trial court. Appeal is therefore, dismissed.

3. Needless to state that all pending civil applications filed in the appeal are disposed of.

Sd/-
[V. M. DESHPANDE, J.]

Vinayak Halemath