

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION***

***CIVIL APPLICATION NO. 730 OF 2016
IN
SECOND APPEAL NO.602 OF 2002***

Namdeo Tauji Shelke
since deceased through Lrs.
Gyandeo Namdeo Shelke & ors. ..Applicants.

V/s.

Trambak Lakhu Shelke ..Respondent.

Mr.Kayval P. Shah i/b. Mr.P.B.Shah for the Applicants.

Mr.Sujeet Deshmukh i/b.Mr.S.D. Shinde for Respondent no.1.

CORAM : N.M. Jamdar, J.

DATED : 12 January , 2018.

P.C. :-

. By this application, the Applicants have sought an order of injunction and not to create third party rights in respect of the suit property. Today an order passed in Civil Application No.729 of 2016, out of indulgence delay of 296 days was condoned and abatement of the Appeal was set aside.

2. Considering this matter from all perspective, I am not

inclined to grant an order of injunction as of date in this appeal which is pending since 2002. Even otherwise the Specific Relief Act itself provides for remedy in case third party rights are created. Civil Application is accordingly disposed of.

(N.M. Jamdar, J.)