

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.197/2016
IN
FAMILY COURT APPEAL NO.150/2016

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Amen Mehboob Syed
V/s.

Manish Vijay Namjoshi

... Applicant

... Respondent

Mr. Shekhar Jagtap with Ms. S. Choudhary I/b. J. Shekhar & Co. for
the Applicant
Mr. Sandeep A. Bhagwat for the Respondent

**CORAM: K.K. TATED &
B. P. COLABAWALLA, JJ.**

DATED : JULY 4, 2018

P.C. :

1 Heard. By this Civil Application, the Applicant is seeking stay of the operation and implementation of the judgment and decree dated 30.12.2015 passed by the Family Court, Pune in Petition No.B-15/2010 holding that the Respondent husband has 1/3rd share in the suit property i.e. Flat No.101, 1st Floor in Opela Building constructed on plot NO.17/C/1 and 17/C/2 (CTS No.1462) at Yerwada, Pune. The Family Court has also directed the Court Receiver to give 1/3rd share in the said flat to the Respondent.

2 It is to be noted that the divorce took place between the Applicant and the Respondent on 05.03.2008. Thereafter the Respondent has filed a petition for declaration and injunction concerning the property of the pouses before the Family Court at Pune on 07.06.2010.

3 Considering these facts and the reasons given by the Family Court, we are of the opinion that it is necessary to stay the operation and implementation of the present order in its entirety till hearing and final disposal of the Appeal.

4 At the same time, the Applicant is required to be restrained by an order of injunction from creating any third party right, title and interest in respect of Flat No.101, 1st Floor in Opela Building constructed on plot No.17/C/1 and 17/C/2 (CTS No.1462) at Yerwada, Pune till further orders, without leave of the court.

5 Hence, following order is passed.

a. The operation and implementation of the impugned judgment and decree dated 30.12.2015 passed by the Family Court, Pune in Petition No.B-15/2010 is stayed till hearing and final disposal of the appeal.

b. The Applicant is restrained by an order of injunction from creating any third party right, title and interest in respect of Flat No.101, 1st Floor in Opela Building constructed on plot No.17/C/1 and 17/C/2 (CTS No.1462) at Yerwada, Pune till further orders, without leave of the court.

c. Civil Application stands disposed of accordingly.

(B. P. COLABAWALLA, J.)

(K.K. TATED, J.)