

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

C.A.S. NO.776/2017 IN SECOND APPEAL NO. 417/2017
(PRADIP DATTULAL AGRAWAL VERSUS JITENDRA DATTULAL AGRAWAL & OTHERS)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.S. Agrawal, counsel for the appellant.
Shri S.A. Mohta, counsel for the R-1 to 5.

CORAM : A.S. CHANDURKAR, J.

DATE : JULY 11, 2018.

By this application, it is prayed that the non-applicants be restrained from alienating or creating third party rights in the suit property.

The applicant is the original plaintiff, who has filed suit for partition and separate possession. It is his case that he has 1/7th share in the suit property. The appellate Court has allowed the appeal and by reversing the decree passed by the trial Court, dismissed the suit. It is submitted that interests of the applicant therefore, deserve to be protected.

It is submitted by the learned counsel for the non-applicant that according to the applicant he has 1/7th share in the suit property. To that extent, it is submitted that the rights of the applicant could be protected.

Considering the facts of the case, the non-applicants are restrained from alienating or creating any third party rights in the suit property to the extent of 1/7th share of the applicant. If the non-applicants desire to alienate their share in the suit property, they shall give prior notice to the applicant.

The civil application is allowed in the aforesaid terms and disposed of.

JUDGE

APTE