

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

SECOND APPEAL NO.139 OF 2006

(Smt. Anusayabai Rekhchand Deotale Vs. Rukhmabai w/o Vitthal Jarate and another)

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

Court's or Judge's orders.

Shri A.R. Patil, Advocate for Appellant.
Shri S.O. Ahmed, Advocate for Respondent 2.

CORAM: ROHIT B. DEO, J.

DATE: 26th NOVEMBER, 2018.

Civil Application (CAS) No.1201/2018:

Heard.

2] The appellant is the original defendant against whom decree of specific performance is passed.

3] It is not in dispute that the decree is executed and sale-deed of the suit property is executed in favour of the respondents through the process of the court.

4] The limited prayer in this civil application is that the respondent should not create third party interest in the suit property during the pendency of the appeal. Since the appeal is admitted, there is no impediment in granting the limited prayer.

5] Shri Ahmed, the learned Counsel for respondent 2 is seeking two weeks time to file reply to the civil application. However, in view of the limited prayer that the respondent ought not to alienate the property, I do not see any justification to seek time.

6] The application is allowed to the extent that the respondent is directed not to create third party interest in the suit property during the pendency of the appeal.

JUDGE

NSN