

DDR

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

**APPEAL FROM ORDER NO. 213 OF 2019
WITH
CIVIL APPLICATION NO. 252 OF 2019
IN
APPEAL FROM ORDER NO. 213 OF 2019**

Usha Lal Gulabani & anr. ..Appellants

vs.

Namrata Manoharlal Hinduja & ors. ..Respondents

....

Shri Y.P. Yagnik I/b. Shri Ashok Kumar S. Dubey for appellants.
Shri Vijay M. Vaghela for respondent Nos. 1 to 3.

....

CORAM : M.S.KARNIK, J.

DATE : 1st AUGUST, 2019

P.C. :

Learned counsel for the respondents raised an objection to the maintainability of the Appeal from Order. According to learned counsel, the Appeal from Order against the impugned order is not maintainable.

2. Learned Counsel for the appellants on instructions submits that he would take recourse to appropriate remedies in law to challenge the order dated 4/1/2019. Keeping all

contentions open, the Appeal is allowed to be withdrawn with liberty to challenge the impugned order by filing appropriate proceedings.

3. Learned counsel for the appellants prays for a limited protection in respect of the suit property. Learned counsel for the respondents opposes this request. He submits that no security is furnished and there is every likelihood of the appellants creating 3rd party right in the suit flat.

4. Considering the age of the appellant who claims to be residing in the suit flat, I am inclined to direct that the execution proceedings not to proceed for a period of 4 weeks from today.

5. Learned counsel for the appellants on instructions states that he will not create any 3rd party interest in the suit flat.

(M.S.KARNIK, J.)