

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

APPEAL FROM ORDER ST.NO.3888 OF 2019
WITH
CIVIL APPLICATION ST.NO.3890 OF 2019

Shamji Dharamshi Gothi	..	Appellant
Versus		
Jaliyan Developers & Ors.	..	Respondents

WITH

APPEAL FROM ORDER ST.NO.3894 OF 2019
WITH
CIVIL APPLICATION ST.NO.3895 OF 2019

Premji Hirji Vavia	..	Appellant
Versus		
Jaliyan Developers & Ors.	..	Respondents

WITH

APPEAL FROM ORDER ST.NO.3897 OF 2019
WITH
CIVIL APPLICATION ST.NO.3898 OF 2019

Ganga Dhanji Vavia	..	Appellant
Versus		
Jaliyan Developers & Ors.	..	Respondents

WITH

APPEAL FROM ORDER ST.NO.3899 OF 2019
WITH
CIVIL APPLICATION ST.NO.3900 OF 2019

Devji Dharamshi Gothi	..	Appellant
Versus		
Jaliyan Developers & Ors.	..	Respondents

Mr. J.S.Kini I/b. Ms. Sapna S. Krishnappa for appellants
Mr. Piyush Shahwith A.S.Attani, D.Shah and Deep Madnani for
respondent Nos. 1 to 4
Mr. Rasik Thakkar respondent No.3 present.

CORAM : SANDEEP K. SHINDE, J

DATE : 14th February 2019

P.C. :

Heard learned Counsel for parties. Perused the order dated 16th July 2018 passed by this Court in Notice of Motion Lod.No.1489 of 2018 in Suit Lod.No.833 of 2018. The appellants are the original plaintiffs who have filed the suit for specific performance of the contract. Pending the suit, an application was filed injunction the defendants – developer, from creating third party rights or interest in the suit property. Ad-interim was refused by the learned trial Judge on 2nd February 2019 and the motion is kept for hearing on 21st February 2019. It is against the order dated 2nd February 2019, this appeal is preferred.

2] Learned Counsel for the respondents- developer submits that by the order dated 16th July 2018 passed by this Court (supra)

interest of appellants in their respective suit property is protected. Even otherwise, on instructions from the respondents, learned Counsel for respondent submits that till 21st February 2019 the developer – respondent shall not create third party rights/ interest in the suit flats.

3] Parties to appear before the trial court on 21st February 2019.

4] In view of this statement, nothing survives in all these appeals and same are disposed of.

(SANDEEP K. SHINDE, J)