

2. The Respondent, along with the other plaintiffs, claims to have 4.76% share in the suit property and seeks a perpetual injunction against the Appellant and others (original defendants) restraining them from dealing with the suit property. Since the plaintiffs' share comprises of only 4.76%, there is no question of claiming any relief in respect of the other property, of which the defendants claim to be co-owners

through a registered conveyance. To the extent of their property, the defendants cannot be restrained from dealing with the same. There is also no question of appointment of any receiver or granting any injunction in respect of the entire suit property. Based on their rights, the only relief that the plaintiffs could claim is in respect of their 4.76% share. Admittedly, they do not have any further share in the property. The impugned order, to the extent it requires maintenance of status-quo in respect of the whole of the suit property, thus, cannot be sustained.

3. It is, accordingly, ordered that as and by way of ad-interim order, the defendants are restrained from dealing with the suit property to the extent of 4.76% share claimed in it by the plaintiffs. Pending the hearing and final disposal of the notice of motion, the defendants shall not transfer, accept, surrender or create any third party right in respect of any tenancy in the suit property. So also, no construction can be carried out in the suit property without further orders from the Court. In case the defendants propose any redevelopment scheme in respect of the suit property, suitable ad-interim or interim orders in that behalf may be obtained from the trial court towards protecting 4.76% share of the plaintiffs in the suit property.

4. The appeal from order is disposed of accordingly.

5. In view of the disposal of the appeal from order, nothing survives in the civil application and the same is disposed of.

(S.C. GUPTE, J.)