

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

**CIVIL APPLICATION NO. 1519 OF 2019
IN
FIRST APPEAL NO. 451 OF 2019**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Sanjeev Sawant with B. K. Barve, Sandeep Barve and Laxmi Ingale i/b B. K. Barve & Co. for the Applicant.

Vijay S. Gharat with Rehan Momin for Respondent Nos. 1 and 2.

**CORAM: K.K.TATED, J.
DATED : OCTOBER 1, 2019**

P.C.

1 Heard.

2. By this Civil Application, the Applicant/Original Plaintiff is seeking an order of injunction restraining the Respondent from creating any third party right, title and interest in respect of the suit property i.e. Room No. 41, situated at Dabhokar Adda, Jijamata Nagar, Kalachowki, Mumbai- 400033.

3. The Learned Counsel for the Applicant submits that initially they filed Suit Lodging No. 51/2012 in the High Court of Judicature at Bombay, Ordinary Original Civil

Jurisdiction. He submits that in that Suit they preferred notice of motion. In that notice of motion, this Court passed order dated 13/01/2012 restraining the Respondent from selling the suit property in any manner. He submits that, in view of earlier order passed by this Court this Hon'ble Court, be pleased to allow the present Application.

4. The Learned Counsel for the Respondents/ Original Defendants submits that Defendants are the owner of the suit property and there is no question of creating any third party right in respect of the same.

5. Considering these facts and the order passed by the Trial Court, the following order is passed:

- a. Respondents/Original Defendants are restrained by order of injunction from creating third party right, title and interest in respect of the suit property i.e. Room No. 41, situated at Dabhokar Adda, Jijamata Nagar, Kalachowki, Mumbai- 400033 till the hearing and final disposal of the First Appeal.
- b. Civil Application stands disposed of accordingly.
- c. No order as to costs.

(K.K.TATED, J.)