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

**CIVIL APPLICATION NO. 3450 OF 2014
IN
FIRST APPEAL NO. 1205 OF 2014**

M/s. Khodiyar Enterprises .. Applicant
Vs.
Shri Prataprai Lallubhai Vasa & Ors. .. Respondents

Mr. Pankaj Shah a/w. Ausman Ganguly for the Applicant.
None for the Respondents.

CORAM : K. K. TATED, J.
DATE : 28th MARCH, 2019.

P. C. :

1. Heard learned Counsel for the Applicant.
2. By this Civil Application, Applicant-original Plaintiff is seeking an order of injunction restraining Respondent Nos.1 to 6 from creating any third party right, title or interest or parting with possession or inducting third person in respect of the suit property, viz. being all that piece and parcel of land admeasuring 786 sq. yards, Plot No.120 of Town Planning Scheme-VI of Vile Parle (West), Mumbai till the hearing and final disposal of the First Appeal.
3. Learned Counsel for the Applicant submits that in the present proceeding, Applicant-Plaintiff filed S. C. Suit No. 6614 of 2003 before the Bombay City Civil Court, Bombay for specific performance of agreement dated 06.03.1979 and for seeking declaration that the termination of agreement vide notice dated 14.03.1983 was null and void. He submits

that the said suit was dismissed by the Trial Court on 28.04.2014. He submits that during the pendency of the suit, there was no injunction order against the Respondents.

4. Learned Counsel for the Applicant submits that they have apprehension that the Respondents may create third party interest in respect of the suit property.

5. Learned Counsel for the Applicant submits that the Respondents filed their Affidavit-in-Reply dated 25.03.2019. He submits that in the said Reply the Respondents specifically made statement that they are not going to create any third party interest in respect of the suit property.

6. Considering the submission made by learned Counsel for the Applicant and the statement made by the Respondents on solemn affirmation, I do not find any reason to pass any order in the present Application. Hence the Civil Application stands rejected.

[K. K. TATED, J.]