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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2646 OF 2013
IN
FIRST APPEAL NO. 649 OF 2011

Mrs. Ranjan Mitchell and Anr.	...Applicants
V/s.	
The Deputy Collector, Bombay and Ors.	...Respondents

Mr. Rajiv Narula a/w Mr. Advait Raorane i/by M/s. Jhangiani Narula and Associates for the Applicants.

Ms. Tanya Goswami, AGP-State Respondent Nos. 1 to 3.

Ms. Sayli Apte a/w Ms. Priyanka Naik i/by Mr. P.G. Lad for the Respondent No.4-MHADA.

CORAM : R.D. DHANUKA, J.
DATE : 11TH NOVEMBER, 2019.

P.C. :-

1. By this application, the applicants seek injunction from carrying out any escalation or any construction work and also seek injunction restraining the respondents from creating any third party rights, title and interest on the suit property. Mr.Narula, learned counsel for the applicants invited my attention to the order dated 7th July, 2019 passed by this Court in Civil Application No.485 of 2009 directing both the parties to maintain *status-quo* till the disposal of the suit.

2. It is common ground that the said suit filed by the applicant thereafter came to be dismissed. There was no order of

continuation of the *status-quo* order passed by this Court in the said Civil Application from the date of dismissal of the suit.

3. By an order 5th May, 2014 passed by this Court, this Court directed that whatever construction is carried out by the respondents would be subject to the out come of the present litigation. By an order dated 3rd July, 2015 this Court observed that the respondent no.4 has already completed near about 50% work.

4. Learned counsel for the applicant states that at least the respondent no.4 shall be directed not to create any third party rights in respect of the suit property. There was no *ad-interim* relief granted in favour of the applicant since the date of filing of this first appeal. This Court is thus not inclined to grant any injunction against the respondent no.4 from creating any third party rights. It is however, made clear that if any transfer is effected, the same shall be subject to the final out come of the First Appeal No.649 of 2013. The civil application is disposed of on aforesaid terms. There shall be no order as to costs.

5. If any third part rights are created by the respondent no.4 during the pendency of the first appeal, they shall inform the applicant about such third party rights with details and proof of such creation of such third parties.

(R.D. DHANUKA, J.)