

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.2831 OF 2018
IN
FIRST APPEAL (ST) NO.891 OF 2018**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mr. H.S. Kadam I/b A.P. Deshmukh for applicant.

Mr. D. Dayal a/w Pooja Sharma I/b Chetan Mali for respondent No.2.

Mrs. Oorja Dhond for respondent Nos. 3 and 4.

**CORAM : K. K. TATED, J
DATE : MARCH 29, 2019**

P.C.:

. Heard learned Counsel for parties.

2. By this Civil Application, applicant-original defendant No.4 is seeking stay of the operation and implementation of the judgment and decree dated 13.06.2018 passed by learned City Civil Court, Mumbai in L.C. Suit No.7115 of 2001.

3. The learned Counsel for the applicant submits that this Court granted

ad-interim relief in the present matter. He further submits that if stay is not granted the respondent may take forcible possession of the suit premises i.e. Room No.4 situated at 391/B, Lokmanya Tilak Market, Grant Road, Bombay 400 007.

4. The learned Counsel for the applicant submits that as of today, applicant is in possession of the suit premises. He further submits that during the pendency of the First Appeal, the respondent may be restrained by an order of injunction from evicting him from the suit premises. He further makes a statement that applicant will not create any third party right till the hearing and final disposal of the First Appeal.

5. The learned Counsel appearing on behalf of respondent No.2/original plaintiff submits that they will not evict the applicants from the suit premises during the pendency of the First Appeal. Statement is accepted.

6. In view of these facts, following order is passed :-

a) The respondent/original plaintiff is restrained by an order of injunction from disturbing and or evicting the applicant from the suit premises i.e. Room No.4 situated at 391/B, Lokmanya Tilak Market, Grant Road, Bombay 400 007 till the hearing and final disposal of the First Appeal.

b) Applicant to file undertaking in the registry of this Court with copy to other side on or before 30.04.2019 stating that he will not create any third party right till the hearing and final disposal of the First Appeal, failing which ad-interim protection shall stand vacated without reference to the Court.

c) Civil Application stands disposed of accordingly.

d) No order as to costs.

(K.K.TATED, J.)