

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

**CIVIL APPLICATION NO.1288 OF 2018
IN
SECOND APPEAL NO.555 OF 2018**

Rashida Mahemood Misal (since deceased)
through her legal heirs

1A. Shakeep Mahemood Misal & Ors. .. Applicants

Vs.

Salim Mahemood Misal & Ors. .. Respondents

Mr.Anand Awasarmol i/by Mr.Gulabrao Awasarmol, Mr.Arvind Awarsarmol, Mr.Ajinkya Murumkar and Mr.Sohan Shingane for the applicants.

Mr.Amol Mhatre a/w Mr.Sameer Mhatre for the respondents.

CORAM : R.D.DHANUKA, J.

DATE : 9th September 2019

P.C.:

. Heard learned counsel for the parties.

2. By a separate order passed in second appeal, on the substantial questions of law formulated by this Court, second appeal is already admitted. The applicants claimed to be in possession of the property.

3. For the reasons recorded in the civil application, civil application is made absolute in terms of prayer clause (b). The effect and operation of the judgment and decree dated 27th April 2018 passed by the District Judge, Vasai at Thane in Regular Civil Appeal No.44 of

2013. The applicants shall not create any third party rights in respect of the suit property during the pendency of the second appeal. The respondents shall also not create any third party rights in respect of the suit property during the pendency of the second appeal.

R.D.DHANUKA, J.