

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

CIVIL APPLICATION NO. 254 OF 2017

IN

FIRST APPEAL NO. 50 OF 2017

Mr. Gajanan Gangaram Belvalkar & Ors. Applicants

V/s.

Mrs. Gauri K.T. Mohan & Ors. Respondents

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Ms.Nisha Shah i/b Kalpesh Joshi Associates, Advocate for Applicants/
Appellants.

Ms. Aarti Kulkarni i/b Mr. Sachin Masurkar, Advocate for Respondent
Nos. 1 & 2.

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CORAM : K.K.TATED, J.

DATED : 11th October, 2019

P.C.

1. Heard Learned Counsel for the parties.
2. By this Civil Application, Applicant is seeking order of injunction against the Respondent Nos. 1 and 2 from creating any third party right, title and interest in respect of the suit property i.e. Plot No. 137 admeasuring 314 x 12 sq. mtrs, Survey No. 202 CTS No. 2100 of the Village Dahisar, Taluka Borivali, Mumbai.
3. The Learned Counsel appearing on behalf of Respondent Nos. 1 & 2 filed affidavit cum undertaking of Respondent Nos. 1 and 2 dated 7th October, 2019 stating that they are not going to create any third party right, title and interest in respect of suit property, till the hearing and final disposal of the First Appeal. Same is accepted.

4. In view of undertaking given by the Respondent Nos. 1 and 2 nothing will survive in the Civil Application. Hence, following order.

ORDER

- a) Undertaking given by Respondent Nos. 1 & 2 dated 7th October, 2019 is accepted.
- b) Civil Application stands disposed of in view of said undertaking.
- c) No order as to costs.

(K.K.TATED, J.)