

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

**APPEAL FROM ORDER NO.180 OF 2019
WITH
CIVIL APPLICATION NO.216 OF 2019**

Mr. Nivrutti Rangath Mane

And Others

... Appellants

Versus

Sudam Namdeo Mane

And Others

... Respondents

.....

Mr. Vilas B. Tapkir for the Appellants.

Mr. Priyal G. Sarda for the Respondents.

.....

CORAM : S.C. GUPTE, J.

**DATE : 30 SEPTEMBER 2019 &
3 OCTOBER 2019.**

P. C. :

. Heard learned Counsel for the parties.

2 Rule.

3 Rule taken up for hearing forthwith by consent of learned Counsel for the parties. Learned Counsel agree that the Appeal from Order may be disposed of without stating any reason. Accordingly, the impugned order passed by the 2nd Joint Civil Judge Senior Division, Khed-Rajgurunagar, is modified by substituting Clause 2 of

the operative order by following clause :

“2. the defendants, their agents or servants or any person acting under or on behalf of them are restrained from creating any third party rights in respect of the suit land during the pendency of the suit. The defendant shall also not develop the suit land.”

4 It is ordered that the order of injunction granted as above shall operate as an ad-interim order. The trial court shall consider the issue of possession *prima facie* and determine which of the parties is in possession of the suit premises and accordingly pass appropriate orders in respect of such possession.

5 The Appeal from Order is disposed of accordingly.

6 In view of the disposal of the appeal, the Civil Application does not survive and same is disposed of.

(S.C. GUPTE, J.)