

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

SECOND APPEAL NO.277 OF 2017

(Anandabai d/o Ganpatrao Kumbhare and others Vs. Kedarnath s/o Ganpatrao
Kumbhare and others)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri V.N. Morande, Advocate for Appellants.
Shri R.R. Vyas, Advocate for Respondents 1 & 3.

CORAM: ROHIT B. DEO, J.

DATE: 14th MARCH, 2019.

Heard.

2] The learned counsel for the appellants seeks leave to delete deceased respondent 23 since according to him, legal representatives of deceased respondent are already on record.

3] The appellants are permitted to delete respondent 23, at their risk.

Civil Application (CAS) No.499/2017:

This application is taken out for grant of temporary injunction restraining the respondents from creating third party interest and making any construction on the suit land.

2] In so far as injunction which is sought to restrain the respondents from making any construction on the suit land, this Court is not inclined to entertain the prayer. Any

injunction which may be effected during the pendency of the appeal shall not create any equity in favour of respondents.

3] However, since the second appeal is admitted it would be necessary to direct the respondents not to create third party interest in the suit property till the final disposal of the appeal.

4] The respondents shall not create third party interest in the suit property till the final disposal of the appeal.

Civil application is disposed of.

JUDGE