

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 4823/2019

(SHANKAR BHAGWANDAS SUGANDH (LAKHWANI) **VERSUS** HARISH BHAGWANDAS SUGANDH
(LAKHWANI) & OTHERS)

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

Court's or Judge's orders

Shri A.M. Ghare, counsel for petitioner.
Shri R.R. Srivastava, counsel for respondents.

CORAM : A.S. CHANDURKAR, J.

DATE : SEPTEMBER 18, 2019.

RULE. Heard finally.

The petitioner is the original plaintiff who is aggrieved by the order passed by the Appellate Court allowing the miscellaneous civil appeal filed by the respondents herein and setting aside the order passed by the trial Court on 15.09.2017 restraining the said defendants from creating third party rights in the suit properties.

On hearing the learned counsel for the parties, it was put to Shri R.R. Srivastava, learned counsel for the respondents whether the respondents intend to alienate any of the properties which are the subject matter of the suit. It was submitted on instructions that the respondents do not intend to alienate the same. He however submits that this statement is made without accepting the rights claimed by the plaintiff. As the respondents do not intend to alienate any of the suit properties, the apprehension expressed by the plaintiff is taken care of. In that view of the matter, the following order is passed:-

I. The statement made by the respondents without prejudice to their rights that they would not alienate any of the suit properties during the pendency of the suit is accepted and taken on record.

II. In that view of the matter, the proceedings in Special Civil Suit No.482 of 2017 are expedited. The trial Court shall take necessary steps to decide the suit by the end of March-2020.

III. It is clarified that this interim arrangement is without prejudice to the rights of the parties and the trial Court shall not be influenced by the same.

IV. All contentions of respective parties are kept open.

The Writ Petition is disposed of in aforesaid terms. Rule accordingly. No costs.

JUDGE

APTE