

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

CIVIL APPLICATION (CAS) NO.711 OF 2019
IN
SECOND APPEAL NO.354 OF 2019

(Smt. Madhuben w/o Jayantilal Vastani Vs. Smt. Kiran w/o Mahesh Shivhare 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 R.R. Srivastava, Advocate for Appellant.
Shri R.L. Khapre, Advocate for Respondents 1 to 3.

CORAM: ROHIT B. DEO, J.

DATE: 9th SEPTEMBER, 2019.

This appeal which is preferred by the original plaintiff who brought suit for specific performance is admitted on substantial questions of law.

2] Shri Srivastava, the learned counsel for the appellant would submit that since the second appeal is admitted on substantial questions of law it would be necessary to direct the respondents to maintain *status quo*.

3] In rebuttal Shri Khapre would submit that the suit property is a commercial block/shop which is presently occupied by tenant. Shri Khapre would submit that while the respondents undertake not to alienate the property, they may be permitted to induct tenant if the present tenant surrenders tenancy/vacates the suit block.

4] The respondents – original defendants shall not create third party interest in the suit property. It is clarified

that if the present tenant vacates and some other tenant/licensee/person is inducted in the suit shop, such inductee shall not claim any equity and the induction shall be subject to the decision in this appeal. This order shall be brought to the notice of the inductee. The application is disposed of.

JUDGE

NSN