

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****APPEAL FROM ORDER NO. 743 OF 2016****WITH****CIVIL APPLICATION NO. 932 OF 2016****IN****APPEAL FROM ORDER NO. 743 OF 2016**

Machindra Ladu Mungekar

.....Appellant.

Vs.

M/S. Hemali Investment And
Finance Private Limited & Ors.

.....Respondents.

Mr. Om Prakash Singh for the Appellant.

Mr. Kiran Jain a/w Ms. Amrota Thakare for the Respondent No.1.

Mr. B.G. Tangsali i/by Mr. Sachin Deokar for the Respondent No.2.

CORAM : A. S. GADKARI, J.**DATE : 20th JANUARY, 2020.****P.C.:-**

At the outset, Mr. Jain, learned counsel for the Respondent No.1 submitted that, the suit premises in question i.e. Room No.21 situated at Ground Floor, 29-A, Tarachand Bunglow, Tarachand Compound, Hathi Baug, Mazgaon has already been allotted to the Defendant No.2, who has been certified to be bonafide occupant of erstwhile Room No. 20.

2 Mr. Tangsali, learned counsel for the Defendant No.2 concedes to the said facts situation.

3 In view thereof, during the pendency of the L.C Suit No. 2033 of 2015, the Defendant No.2 has been restrained from allotting and creating third party right, title or interest in the said Room No.21.

Appeal is partly allowed in the aforesaid terms.

In view of disposal of Appeal From Order itself, Civil Application No. 932 of 2016 does not survive and is also disposed off.

Sanjiv S.
Mashalkar

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(A.S. GADKARI, J.)