

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

FIRST APPEAL NO.1263 OF 2016

Shri. Ramji Bawa @ Bawal & Anr. Appellants

Vs.

Shri. Lalji Bawa & Bawa & Anr. Respondents

Mr. Atul Daga a/w Mr. Ronak Desai i/by Rustamji & Ginwala for the
Appellants / Applicants

None for Respondents.

Coram : NITIN W. SAMBRE, J.

Date : 30th AUGUST, 2021

P.C.:

1. Heard Shri. Daga, learned counsel appearing for the Appellants.
2. The Suit for partition preferred by the Appellants/Plaintiffs came to be dismissed. As such appeal “**Admit**”.
3. Call for R.& P. Private paper-book be filed within twelve weeks from today, failing which the Appeal shall stand dismissed without further reference to the Court.

(NITIN W. SAMBRE, J.)

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

**INTERIM APPLICATION NO. 1292 OF 2021
IN
FIRST APPEAL NO.1263 OF 2016**

Shri. Ramji Bawa @ Bawal In the matter between		Applicant
Shri. Ramji Bawa @ Bawal & Anr.		Appellants
<u>Vs.</u>		
Shri. Lalji Bawa @ Bawal & Anr. And		Respondents
Shri. Pankaj Lalji Patel		Proposed Respondent

Mr. Atul Daga a/w Mr. Ronak Desai i/by Rustamji & Ginwala for the
Appellants / Applicants

None for Respondents.

**Coram : NITIN W. SAMBRE, J.
Date : 30th AUGUST, 2021**

P.C.:

1. Shri. Daga, learned counsel for the Applicants/ original
Plaintiffs invites attention of this Court to the fact that the newly
impleaded party, Respondent No.3 is proposed L.R. of deceased

(2)

Respondent No. 1. According to him, both the Respondents No. 2 and 3 are already served on the application for condonation of delay, setting aside abatement of bringing legal heirs of Respondent No.1 on record.

3. In view of service affidavit, in the backdrop of aforesaid submissions, it has to be inferred that the service on Respondent Nos. 2 and 3 is complete.

4. The Application stands allowed in terms of prayer clauses (a), (b) and (c).

5. Amendment be carried out within two weeks from today.

(NITIN W. SAMBRE, J.)

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

**INTERIM APPLICATION (ST.) NO. 9957 OF 2021
IN
FIRST APPEAL NO.1263 OF 2016**

Shri. Ramji Bawa @ Bawal Applicant
In the matter between

Shri. Ramji Bawa @ Bawal & Anr. Appellants

Vs.

Shri. Lalji Bawa & Bawa & Anr. Respondents

Mr. Atul Daga a/w Mr. Ronak Desai i/by Rustamji & Ginwala for the
Appellants / Applicants

None for Respondents.

Coram : NITIN W. SAMBRE, J.

Date : 30th AUGUST, 2021

P.C.:

1. Affidavit of service is placed by the Appellants on record thereby stating that Respondent Nos. 2 and the third party Respondent have refused to accept the service on 17th July, 2021.

(2)

2. In that view of the matter, service on the Respondent is complete. In this application, the nature of temporary injunction claimed by the Appellants-Plaintiffs in the suit for partition is in relation to the restraintment order against the Respondent-Defendant from carrying on and/or continuing with the construction over the suit property.

3. It is also claimed that the Respondents-Defendants are likely to create third party interest.

4. As the service on the Respondent is complete, let there be temporary injunction during pendency of the First Appeal thereby restraining the Respondent-Defendant from creating any third party rights or interest in terms of prayer clause (b).

5. The application stands disposed of in above terms.

6. Since the submission is made by Mr. Daga that the local Planning Authorities is not acting against the Respondents/Defendants

(3)

as the matter is subjudiced before this Court in the matter of illegal construction carried out by the Respondents, it is hereby clarified that this Court has not granted any injunction against the Planning Authorities to said effect.

(NITIN W. SAMBRE, J.)