

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
I.A. NO. 444 OF 2021
IN
WRIT PETITION NO. 5083 OF 2000

Dr. Nandkishore B. Deshpande and anr. ...Applicants/Petitioners
V/s.
Daya Krishna Mehra
(Deceased through Lrs and ors.) ...Respondents.

Mr. Shailendra S Kanetkar a/w. Mr. Nikhil Dongre for the Applicants.
Mr. Daljeet Singh Bhatia for the Respondent No.1B.

CORAM : N.R. BORKAR, J.
DATE : 30.03.2021.

P.C. :

1. This application is taken out by the applicants/original petitioners with the following prayer:

“(a) Pending the hearing and final disposal of the present Writ Petition, the Respondents be restrained by an order of injunction from creating from parting with possession of the suit premises and/or creating third party rights in whatsoever manner in respect of the suit premises.”

2. The petitioners are the landlords and the respondents are the legal representatives of original tenant Daya Krishna Mehra. The petitioners have stated that they have learnt from reliable source that the respondents are trying to part with the possession of the suit premises to some third party and induct them into the suit premises illegally. It is stated that if the respondents succeed in inducting the third party, then the petitioners would not get the

possession of the suit premises even if decree of possession is passed in their favour. It is stated that if the injunction is not granted, the petitioners would suffer irreparable loss, which cannot be compensated in terms of money.

3. Learned counsel for the respondents submits that apprehension is ill-founded and the respondents are not going to create third party interest.

4. In my view to avoid multiplicity of judicial proceedings, it would be appropriate to allow the prayer made in the application. In the result, the following order is passed.

ORDER

A] Interim Application is allowed.

B] The respondents are restrained from parting with possession of the suit premises and /or creating third party rights in whatsoever manner in respect of the suit premises.

[N.R.BORKAR, J.]