

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

CIVIL APPLICATION (S) NO. 19/2021

in

SECOND APPEAL NO. 197/2018

AND

CIVIL APPLICATION (S) NO. 523/2018 IN S.A.NO.198/2018

(Babamiyan S/o Rahemuniya Vs. Smt. Umabai Wd/o Bhaurao Dalal & others)

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

Court's or Judge's order

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Mr. S.O.Ahmad, Adv. for applicant/ appellant
Mr. N.B. Kalwaghe, Adv. for respondents

CORAM : MRS.SWAPNA JOSHI, J.

DATED : 14th January, 2021

The appellant/original plaintiff has filed the present application for grant of temporary injunction. It is contended by the learned Advocate for the applicant that despite the stay granted by this Court on 11th April 2018, the respondents have started construction work at the suit property.

Mr. Kalwaghe, learned Advocate for the respondents submits that since the respondents have received notice from the Municipal Council asking them to erect fencing wall over the suit property, the said construction work has been carried out. It is further submitted that the respondents have no intention to carry out any sort of construction at the suit property.

Adv. Kalwaghe makes a statement on instructions from his clients/respondents that the respondents would not carry out either permanent or temporary construction on the suit property till the

decision of the Appeal. The statement made by learned counsel is accepted.

Civil Application No. 19/2021 stands disposed of.

SECOND APPEAL NOS. 197 & 198 BOTH OF 2018.

Private paperbook be furnished within a period of four months.

CAS No.523/2018 in S.A. NO. 198/2018

For the reasons mentioned in the Application, CAS (No) 523/2018 seeking dispensing with certified copy of decree is allowed in terms of its prayer.

JUDGE

sahare