

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

Civil Application (S) No.367/2021 in Second Appeal No.06/2019

Jayashree Kolhe and others V Smt. Kusum Mundane and others

Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders

Shri V.S. Giramkar, Adv for appellants.

CORAM : S.M. MODAK, J.

DATE : 08th JULY, 2021.

Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.

2. The appellants want to issue notice on the new address of respondent no.2. Notice be issued on that address and the same is returnable on 28-07-2021.

3. If the respondent no.2 is not found, service be effected as per Order 5 Rule 17 of the Code of Civil Procedure.

4. Application is disposed of.

Civil Application (S) No.376/2021

In order to support the contention that the respondents intend to transfer the suit property, the appellants want to produce copy of public notice.

2. Production is allowed.

3. Application is disposed of.

Second Appeal No.6/2019

The learned advocate yesterday made a oral prayer for directing the respondents to maintain status quo. It is in view of the fact that the public notice is published thereby calling objections on behalf of prospective purchasers. The appellants were permitted to produce documents on record. Today, copy of notice is produced.

2. The trial Court declared the plaintiffs as owners of the suit property on the basis of registered Sale Deed. The First Appellate Court set aside the said judgment. It is under challenge. When the photocopy of the public notice is perused, it is clear that one Mohd. Shahajad Sheikh Ahmed intends to purchase the suit property from these respondents. Though the appellants claim that they have taken objection to the said notice, due to difficulties faced during Covid situation, copy of that objection could not be collected from the client. Learned Advocate for the appellant undertakes to produce the same on the next date. The suit property needs to be protected.

3. It is submitted that there is no written application praying for injunction. This Court understands the difficulty faced due to Covid situation. Because such application has to be affirmed. Considering the peculiar

situation, this Court intends to protect the suit property. Hence, the following order is passed :-

ORDER

- (a) The respondent nos.1 and 2 are restrained from transferring the suit property to any person in any manner till next date if at all they have not transferred till this time.
- (b) The appellants to serve copy of this order on the respondents by RPAD and to supply the documents to them also.
- (c) The appellants to take steps for furnishing the correct address of respondent no.1.

4. Matter is kept on 28-07-2021.

JUDGE

Deshmukh