

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 15849 OF 2022  
IN  
FIRST APPEAL NO. 3595 OF 2022**

Nitin Bajranglal Malu and Another ..APPLICANTS

VERSUS

Mustafakhan Yusufkhan Pathan  
(Died) Through L.Rs.  
Bashidkhan Mustafakhan Pathan and Others ..RESPONDENTS

....

Mr. V.J. Dixit, Senior Advocate i/b Mr. S.V. Dixit, Advocate for applicants  
Mr. S.S. Manale, Advocate for respondents

....

**CORAM : R.G. AVACHAT AND  
R.M. JOSHI, JJ.**

**DATE : 01<sup>st</sup> DECEMBER, 2022**

**PER COURT :**

1. Heard.
2. Issue notice to the respondents. Mr. Manale, learned counsel, waives service of notice on their behalf.
3. It was pointed out to this Court during the course of submission that an undertaking was given by the defendants/respondents in the trial Court not to alienate the subject matter of the present appeal. Both the learned counsel propose for hearing of the appeals at the stage of admission and hence, the undertaking given by the defendants/respondents during the

trial is extended for a period of twelve months from the date of this order. In addition thereto, the respondents are hereby restrained from changing the nature of the property for the aforesaid period.

4. Civil application stands disposed of accordingly.

SSD

( R.M. JOSHI, J. )

( R.G. AVACHAT, J. )