

BDP-SPS-TAC

BHARAT
DASHARATH
PANDIT

Digitally signed
by BHARAT
DASHARATH
PANDIT
Date: 2022.10.21
20:17:07 +0530

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.667 OF 2015
IN
SECOND APPEAL NO.299 OF 2015
WITH
CIVIL APPLICATION NO.309 OF 2016
IN
SECOND APPEAL NO.299 OF 2015**

Nivrutti Maruti Satpute
Through Legal Heirs
a. Radhabai Nivrutti Satpute
and Ors.

..... Appellants.

V/s

Smt. Ambubai Janardan Satpute
and Ors.

..... Respondents.

Mr. Yuvraj Narvankar for the Applicants in both the above Applications
Mr. Abhijit M. Adagule for Respondents in both the Applications.

CORAM: NITIN W. SAMBRE, J.

DATE: OCTOBER 21, 2022

P.C.:-

1] These Applications are for grant of stay and injunction. I have perused the evidence of the Appellants. Fact remains that Defendant No.6, purchaser of the property has not preferred any appeal and as such has accepted judgment of both the Courts. As such case for relief of injunction as prayed in the matter of property purchased by Defendant No.6 i.e. Mr. More is not made out and prayer to that extent stands rejected.

2] As regards the possession of the Appellants over the suit properties is concerned, the Appellant Nivrutti has examined himself at Exhibit-186/C in RCS No.722 of 1991 in which he has given admission that it is the Respondents who are in possession of the suit properties. In view of above, interim relief sought by the Appellants as regards protection of possession as such stands rejected.

3] However, in view of the substantial questions of law raised in the above Second Appeal, particularly having regard to subsistence of marriage between Maruti and Housabai, and Housabai being one of the Plaintiffs to the suit, there shall be injunction against the Respondents from creating third party interest in relation to the suit properties.

(NITIN W. SAMBRE, J.)