

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

CIVIL APPLICATION NO. 10907 OF 2012

Gangubai Bhagchand Baldava Died
Through LRs Gulabchand Bankatram Baldava Died
Through LRs Vijaykumar and others ... Applicants

Versus

Goush Mohiuddin Haji Chiraj Mohiuddin Kazi Died
Through LRs Kazi Nazimoddin and others ... Respondents

....
Mr. S.P. Shah – Advocate for Applicants
Mr. Y.V. Kakade – Advocate for Respondent Nos. 1-A-1 to 1-A-6
Mr. A.M. Inamdar – Advocate for Respondent Nos. 1-B

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CORAM : R.M. JOSHI, J.
DATE : 10th March, 2023

PER COURT :

1. By this application, appellants / plaintiffs are seeking injunction against respondents / original defendants from creating any third party interest in the suit properties.
2. Perusal of the record indicates that Trial Court as well as First Appellate Court have recorded the finding in favour of the plaintiffs in respect of agreement to sale.
3. The First Appellate Court accepting the case of the plaintiffs, has granted alternate relief for refund of earnest money. Second

Appeal is admitted by framing substantial question of law.

4. In such circumstances, if creation of any third party interest in the suit property will only lead to further complications.
5. Hence, Civil Application is allowed in terms of prayer clause 'a'.
6. Civil Application is disposed of.

[R.M. JOSHI, J.]

SPChauhan