

SGPunde

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

**CIVIL APPLICATION NO. 5424 OF 2016**  
**IN**  
**SECOND APPEAL NO. 294 OF 2016**

Prema wd/o Mallinath Gote & Ors. ... Applicants  
*Versus*  
Jagannath Naraya Kondkar (Gavali) & Ors. ... Respondents

...  
Mr. Milind M. Joshi – Advocate for appellants  
Mr. K. K. Kulkarni – Advocate for respondent nos. 2 and 3  
....

**CORAM : GAURI GODSE, J.**  
**DATE : 24<sup>TH</sup> FEBRUARY, 2023**

**PER COURT :**

1. This application is filed for an order of injunction restraining respondent nos. 2 and 3 from creating third party interest in the suit property. Second Appeal is admitted. Issue involved in the second appeal is with respect to the rights of the appellants/plaintiffs on the basis of the registered agreement for sale dated 27<sup>th</sup> April, 1987 as well as registered sale deed dated 21<sup>st</sup> December, 1988. In the event there is any third party interested created in the suit property the same would be

prejudicial to the rights of the appellant and the same will create multiplicity of proceedings. Hence, considering facts and circumstances of the case and the nature of the dispute, it is necessary to restrain the respondents from creating third party interest in the suit property and/or creating any encumbrances over the suit property.

2. Hence, during the pendency of the second appeal, there will be interim relief in terms of prayer clause 'B' against the respondent nos. 2 and 3. Prayer clause 'B' reads thus:

'B' - Pending hearing and final disposal of Second Appeal, the respondent No.2 and 3 may kindly be restrained from sale, alienation or from creating third party interest or any encumbrances over the suit property i.e. Land bearing Gat No. 365, (Total adm. 10H and 52R) to the extent of 6 H. from western side of land of defendants, situated at village Tamalwadi, Tq. Tuljapur, District Osmanabad.

3. Civil Application is disposed off.

[ GAURI GODSE ]  
JUDGE