

Pooja K.

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 2627 OF 2022
IN
SECOND APPEAL NO. 575 OF 2008

Haribhau Kisan Awati and Ors.	... Applicants
<i>Versus</i>	
Uma Haribhau Awati and Ors.	... Respondents

...
Ms. C.S. Deshmukh – Advocate for Applicants

...
CORAM : GAURI GODSE, J.
DATE : 24th February, 2023

PER COURT :

1. This Civil Application is filed by the appellants in Second Appeal for order of injunction restraining respondent no.1 from creating third party interest.

2. Learned counsel for the applicants submit that, the Second Appeal arises out of decree for partition and separate possession. She states that, the decree is recently executed by metes and bounds. Hence, respondent no.1 is likely to create third party interest.

3. Office remark shows that, copy of application is served upon respondents. None appears for them.
4. The Second Appeal is admitted and pending since the year 2008. Till date there is no relief granted restraining any party from creating third party interest.
5. Since the Second Appeal is admitted, even if third party interest is created, the same may be hit by the principles laid down in Section 52 of the Transfer of Property Act. There is no case made out for grant of any interim relief at this stage.
6. Hence, the Civil Application is dismissed.

**[GAURI GODSE]
JUDGE**