

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO. 3123 OF 2018
IN
FIRST APPEAL NO. 936 OF 2018**

Ramesh Nivrutti Devkar and Another ... Applicants

versus

Unique Estate Development Company
Ltd. and Others ... Respondents

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Mr.Rishi N. Bhatt with Mr.Yogesh Sankpal for the Applicants.
Mr.Jaydeep Deo for Respondent Nos. 2A and 2B.
Mr.V.R.Kasle for Respondent No.4.
Mr.R.D.Soni with Mr.Tushar R. Momaiyah i/b. Ram and Co. for
Respondent No. 10.

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**CORAM : NITIN JAMDAR &
SMT. MANJUSHA DESHPANDE, JJ.**

DATE : 21 SEPTEMBER 2023

P.C.:

The Civil Application is taken out for two reliefs. First, to stay the impugned judgment and order dated 16 November 2017 passed by the learned 6th Joint Civil Judge, Senior Division, Pune in Special Civil Suit No. 1160 of 2000 and the second is for injunction.

2. The injunctions sought are of two types. First injunction is in respect of restraining the Respondents from disturbing possession of

the Applicants, and the second injunction is in respect of restraining the Respondents from creating third party rights.

3. The Civil Suit of the year 2000 filed by the Applicants/ Original Plaintiffs was for injunction to restrain the Respondents/ Defendants from creating third party rights and obstructing the Plaintiffs' possession. The Civil Suit was dismissed by judgment and order dated 16 November 2017. The First Appeal was admitted on 7 June 2019. This Civil Application is filed on 18 April 2018 and is pending with no orders. The Respondents point out that there was no injunction operating during the pendency of the Civil Suit. The Civil Suit is dismissed. This means for last 23 years there is no injunction operating. At this stage, granting ad-interim order would virtually decree the Civil Suit and allow the First Appeal. Therefore, Civil Application is rejected.

3. The learned Counsel for the Applicants states that the Respondents/ Defendants have also filed a Suit wherein certain orders are passed against the Applicants. Remedy of the Applicants would lie in challenging those orders.

4. The Civil Application is accordingly disposed of.

(SMT. MANJUSHA DESHPANDE, J.)

(NITIN JAMDAR, J.)