

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 993 OF 2016
WITH
CIVIL APPLICATION NO. 1253 OF 2016

Kaluram Maruti Dance & Ors.

... Appellants/
Applicants

Versus

Dattu Ranbhau Dange & Ors.

...Respondents

Mr. Praful Shah i/b. Mr. Kewal Shah for the appellants/applicants.
Mr. Sanjay Kshirsagar for respondent nos. 1A to 1E and respondent
nos. 2 to 13.

CORAM: G. S. KULKARNI, J.
DATED: 18 January 2023

P.C.

1. This Appeal from Order is filed assailing an order dated 7 September, 2016 passed by the learned 4th Additional Judge, Small Causes Court & Joint Civil Judge, Senior Division, Pune below Exhibit 5 and Exhibit 27 filed by the respondents/plaintiffs. By the impugned order, the appellants/defendants are restrained from creating third party interest or alienation or any mode of transfer of the undivided interest of the plaintiffs till disposal of the suit. There is also a direction against the appellants/defendants to restrain them from carrying out further construction or changing nature of the suit property till disposal of the suit or further order of this Court, whichever is earlier.

2. Perusal of the record indicates that there was no interim protection granted to the appellants by this Court. Considering the nature of the order passed, it appears that the appellants have lost interest to prosecute the appeal. Appeal from Order is accordingly disposed of with liberty to the parties to urge all contentions in the pending suit.

3. In view of disposal of Appeal from Order, Civil Application does not survive and the same is accordingly disposed of.

4. No costs.

(G. S. KULKARNI, J)