

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 204 OF 2023  
WITH  
INTERIM APPLICATION NO.2510 OF 2023

Shri. Bapusaheb Laxman Jarad ...Appellant  
Versus  
Shri Nivrutti Laxman Jarad and Others ...Respondents  
...  
Mr. Prathamesh Bhargude, for Appellant.  
Mr. Dilip Bodake, for Respondent Nos.1 to 7.  
...

CORAM : SANDEEP V. MARNE, J.  
DATE : OCTOBER 17, 2023.

P.C.:

1. The challenge in the present Appeal is to the order dated 21 September 2022 passed by the Civil Judge Senior Division, Pune rejecting the Appellant-Plaintiff's application at Exhibit-5 for grant of temporary injunction.
2. In application at Exhibit-5 seeking temporary injunction, Appellant-Plaintiff had sought relief against Defendant Nos.3 & 4 (Purchasers) from dispossessing the Plaintiff or from creating any third party rights in respect of the suit property.
3. It appears that in respect of another similar transaction by which

the Defendant Nos.1 & 2 have sold land to other purchasers. Appellant-Plaintiff have filed Special Civil Suit No.1203 of 2018 in which the trial Court has passed temporary injunction in favour of the Plaintiff restraining the purchasers from creating any third party rights in respect of that suit land.

4. It is therefore incomprehensible as to how the very same trial Judge could have rejected similar application filed by the Appellants-Plaintiffs by order dated 21 September 2022.

5. Be that as it may. After arguing the Appeal for some time, Mr. Bodake, the learned counsel appearing for the Defendant Nos.3 & 4 (Purchasers), after taking the instructions from his clients who are present in the Court, fairly makes a statement that the Defendant Nos.3 & 4 shall not create any third party rights in respect of the suit property during pendency of the suit.

6. In view of the statement made by the Mr Bodake, nothing further needs to be adjudicated in the present Appeal. The Appeal is accordingly disposed of with no order as to costs. In view of disposal of Appeal, Interim Application does not survive and stands disposed of.

**(SANDEEP V. MARNE, J.)**