

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CIVIL APPLICATION (CAS) NO. 619/2023 IN
SECOND APPEAL NO. 86/2022

Surendrakumar Dasaram Basene and others

Vs.

Smt. Indrawatibai @ Indrabai Basantlal Nagpure

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri Abhijeet Khare, Advocate for appellants

Shri Anand Deshpande, Advocate h/f Shri S.K. Bhandarkar Advocate for respondent

CORAM : SMT. M.S. JAWALKAR, J.

DATE : 04/05/2023

The present application is filed by Counsel for respondent for grant of temporary injunction. By this application, respondent is seeking injunction in favour of respondent restraining appellants and their agents from transferring, leasing out, alienating or altering the suit property or creating any third party interest.

2. The learned Counsel for the appellant submitted that there is no intention of alienating the suit property during the pendency of suit or appeal nor in future till the pendency of this second appeal. So far as construction part is concerned, it is submitted that it is a cowshed ('Gotha'), which was in dilapidated condition and therefore, it was required to be re-constructed.

3. The learned Counsel for the appellants makes a statement that they will not construct more than what is in existence as cowshed nor they have any intention to sale or create any third party interest in the property. His statement is taken on record. In view of the statement, application does not survive. Hence, application stands disposed of.

4. List the matter after vacation.

(SMT. M.S. JAWALKAR, J.)