

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

Writ Petition No.3693 of 2022

SANJAY S/O. SHRIRAMJI PENDHARKAR VS KAMLESH S/O. HARICHAND NAGPAL

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

Court's or Judge's Order

Shri N.J. Jetha, Advocate for the Petitioner
Mr. Shyam Dewani, Advocate for the respondent-sole.

**CORAM : ANIL S. KILOR, J.
DATED : 24.01.2023.**

1. Heard Mr. Jetha, learned counsel for the petitioner and Mr. Dewani, learned counsel for the respondent-sole.
2. Mr. Jetha, learned counsel for the petitioner submits that in case the respondent is restrained from creating third party interest in the suit property during the pendency of Regular Civil Suit (RCS) No.1020 of 2018, the same would suffice his purpose.
3. Mr. Dewani, learned counsel for the respondent, on instructions, submits that the respondent has no intention to create third party interest in the suit property during the pendency of the RCS No.1020 of 2018.
4. The statements of both the counsel are accepted. Accordingly, order below Exh.5, dated 17.06.2019 and the judgment and order in appeal dated 20.04.2022 in MCA No.149 of 2019, are hereby modified and it is directed that the respondent shall not create third party interest of any nature

whatsoever in the suit property during the pendency of RCS No.1020 of 2018.

5. It is made clear that the trial Court shall not be influenced by the reasons and findings recorded by the learned lower Appellate Court in the impugned judgment and order, while deciding the suit.

6. The petition is accordingly **disposed of** in the above terms.
No costs.

[ANIL S. KILOR, J.]