



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

922 CIVIL APPLICATION NO. 1885 OF 2024
IN SECOND APPEAL NO. 349 OF 2001

SAHADU SAVLERAM CHAURE THROUGH L.RS. VITHAL
SAHADU CHAURE AND OTHERS

VERSUS

SHANKAR SAVLERAM CHAURE THROUGH L.RS. RAM
SHANKAR CHAURE THROUGH L.RS. MANDA AND OTHERS

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Mr. K.D. Khade – Advocate for Applicants

Mr. P.R. Katneshwarkar – Advocate for Respondent Nos.1 to 6
(Advocate for Appellant in Second Appeal)

Mr. N.C. Garud – Advocate for Respondent Nos.2A, 2C to 2F

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CORAM : SANDIPKUMAR C. MORE, J.
DATE : 14th June, 2024

PER COURT :

1. The present application is filed for vacating the interim order granting stay to the execution proceeding in Regular Civil Suit No.321 of 1991 and also for issuing injunction against the respondent Nos.1 to 6, who are the original appellants in the Second Appeal for not to create third party interest in the suit property i.e. Gat No.399 of village Kedgaon, Tq. and Dist. Ahmednagar.

2. Learned Counsel for the applicants in support of the

aforesaid prayers has relied upon the portion of affidavit-in-reply of respondent Nos.1 to 6, received by him wherein it is mentioned that, the original appellant No. 3C proposed to use the said portion, if at all his relative gets dealership. However, the reply clearly indicates that applicants have not executed any such lease and neither they created any third party interest in the suit property. In view of such statement made by the learned Counsel for present respondents - appellants, there is no need to grant any relief as claimed in this application.

3. The learned Counsel - Mr. P.R. Katneshwarkar for respondent Nos.1 to 6, while submitting before this Court also reiterated that, the respondent Nos.1 to 6 are not going to create any third party right in respect of the suit property during the pendency of this appeal.

4. In view of the same, Civil Application stands disposed of.

[SANDIPKUMAR C. MORE]
JUDGE