

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

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APPEAL FROM ORDER NO. 111 OF 2021
WITH
INTERIM APPLICATION (ST) NO. 10320 OF 2024
WITH
INTERIM APPLICATION NO. 1411 OF 2020

Baburao Govind Vadar ...Appellant/Applicant
Versus
Hajimalang Badshah Desai And Ors. ...Respondents

Mr. Rahul S. Kadam, for Appellant/Applicant.

CORAM : M.M. SATHAYE, J.

DATE : 9th DECEMBER, 2024

P.C. :

1. Heard learned counsel for the Appellant/Plaintiff.
2. The appeal is filed challenging the Order dated 26.11.2019 passed by the Ad-hoc District Judge-1, Kolhapur below Ex. 19 in Regular Civil Appeal No.262 of 2019. The said application was filed by the Respondents to restrain the Appellant from creating third party interest in the suit property. After hearing both sides, by the impugned Order, the Appellants are restrained from creating third party interest in the suit property till disposal of the appeal.
3. Record shows that the impugned Order was not stayed or

modified during the pendency of the appeal which is pending for last 5 years.

4. Considering that the Appellant has suffered the impugned order since November 2019, no fruitful purpose will be served by entering into the merits of the impugned Order, as on today, because such exercise is likely to prejudice either side. Such situation is best avoided when the appeal is pending for hearing on merits since 2019.

5. In that view of the matter, **Appeal from Order is disposed of** without interfering with the impugned Order. It is however clarified that the appeal will be decided on its own merits, in accordance with law, without being influenced by the observations in the impugned Order.

6. Considering that the appeal is of the year 2019 and suit was initially filed in the year 2012, hearing of the appeal is expedited.

7. All pending interim applications are disposed of in the above terms.

8. All concerned to act on duly authenticated or digitally signed copy of this order.

(M.M. SATHAYE, J.)