

Iresh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**CIVIL APPLICATION NO. 374 OF 2020
IN
SECOND APPEAL NO. 425 OF 2020**

Shivaji Dagadu Gawandare

.....Applicant

Vs.

Prakash Namdeo Gawali and Ors

.....Respondents

Ms. Pranali Railkar i/b Mr. Ajay Joshi for the applicant

CORAM : GAURI GODSE, J.

DATE : 27th AUGUST 2024

ORDER:

1. Second appeal is already admitted on 7th December 2023. This civil application is for an order of injunction restraining the respondents from creating third party interest in the suit property. On 7th December 2023, notice was issued to the respondents and ad-interim relief in terms of prayer clause (a) was granted. Office remark shows that respondent nos. 1 to 4 are served. Though served, none appears for the respondents to oppose the application.

2. In the application, there is an apprehension expressed by the

applicant that the respondents have made attempt to dispose of the suit property. The second appeal is already admitted. Hence, if any third party interest is created during the pendency of the appeal, same would amount to multiplicity of proceedings. Hence, during the pendency of the second appeal, there will be interim relief in terms of prayer clause (A) which reads as under:

“(A) During pendency of this appeal this Hon. court be please to restrain the respondents from creating 3rd party interest in the suit property by way of effecting transfer by sale, gift, or mortgage”.

3. Civil Application is allowed in above terms.

[GAURI GODSE, J.]