

Iresh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**SECOND APPEAL NO. 945 OF 2015
WITH
CIVIL APPLICATION NO. 2030 OF 2015
IN
SECOND APPEAL NO. 945 OF 2015**

Dinkar Dhondi Kadam

.....Appellant

Vs.

Vilas Laxman Pawar and Ors

.....Respondents

Ms. Anjali R. Shiledar Baxi for the appellant
Mr. Nikhil N. Pawar for respondents

CORAM : GAURI GODSE, J.

DATE : 13th JUNE 2024

ORDER:

CIVIL APPLICATION NO. 2030 OF 2015:

1. Second appeal is arising out of dismissal of the appellant's suit for specific performance. Second appeal is already admitted.

2. Learned counsel for the appellant submits that if the respondents

create third party rights, same will cause prejudice to the rights and contentions of the appellant.

3. Learned counsel for the respondents submits that no case is made out for grant of interim relief as there is no apprehension expressed with regard to creation of any third party interest.

4. I have perused the papers. In the event the respondents create third party rights, same would cause prejudice to the rights and contentions of the appellant and would result into multiplicity of proceedings. Hence, during the pendency of the second appeal, there will be interim relief in terms of prayer clause (b).

5. During the pendency of the second appeal, both parties shall not create third party interest in respect of the suit property.

6. Civil Application is disposed of in above terms.

[GAURI GODSE, J.]

**IRESH
MASHAL**

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