

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

INTERIM APPLICATION NO.2292 OF 2022

IN

SECOND APPEAL NO.322 OF 2022

Shyamsundar Shivnathrai Hora

....Appellant/Applicant

V/S

Jagdishraj Shivnathrai Hora & Ors.

....Respondents

Mr. Siddharth C. Wakankar *for the Appellant/Applicant.*

Mr. Manoj M. Gadkari *for Respondents through VC.*

CORAM: SANDEEP V. MARNE, J.

DATE : MARCH 1, 2024.

P.C.:

1 The Interim Application is filed seeking interim relief to restrain Respondent No.1 from creating third party interest in the suit properties and from changing its nature. The Second Appeal is already admitted by formulating substantial questions of law by order dated 1 September 2023. The learned Counsel appearing for Respondent No.1a has tendered Affidavit-cum-Undertaking of Ms. Manasi P. Pawar @ Amrit

J. Hora, who is Respondent No.1A in the Appeal. By that undertaking Respondent No.1a has made a statement not to create third party interest or to dispose of flat Nos.7 and 8 in the building Ravi Park situated at Survey No.77/48A/2 Wanoworie, Pune, during pendency of the Second Appeal. The Affidavit-cum-Undertaking is taken on record and marked 'X' for identification.

2 In the light of the statements made in the Affidavit-cum-Undertaking are accepted as Undertaking given to the Court. Recording and accepting the statements made in the Affidavit-cum-Undertaking, the Interim Application is disposed of.

3 The Undertaking submitted by Respondent No.1a shall be considered as an Undertaking on behalf of Respondent Nos.1a to 1d.

(SANDEEP V. MARNE, J.)

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Page No. 2 of 2

1 March 2024