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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 13700 OF 2024
IN
SECOND APPEAL NO. 710 OF 2024

Sadashiv Laxan Patil and Ors ... Applicants

vs.

Dhondi Laxman Jadhav through Lrs ... Respondents

Mr. Drupad S. Patil a/w. Mr. Dheeraj Patil, for Applicants.

Mr. Sandeep Koregave for Respondent Nos. 1 to 5.

CORAM : GAURI GODSE, J.

DATED : 18th NOVEMBER 2024

ORDER:

SECOND APPEAL NO. 710 OF 2024

1. Heard learned counsel for the parties. Second appeal is admitted on the following substantial questions of law:

I) Whether the decree passed by the trial court satisfies the parameters of the legal principles settled by this court in the case of *Variegate Realestate Private Limited Vs. Tehmul R. Irani and Anr¹*?

II) In view of the findings recorded in the reference before the tenancy court, whether the plaintiff would be entitled to seek an injunction against true owners?

1 Appeal No. 917 of 2010 in Notice of Motion No.2233 of 2008 in Suit No. 1870 of 2008, dated 19th October 2010

2. Learned advocate for respondent nos. 1 to 5 waives notice.
3. In addition to Court notice, learned advocate for the appellants to serve the remaining respondents, by private notice and file affidavit of service.
4. Call for records and proceedings.
5. Printing is dispensed with.
6. Learned advocate for the appellants shall file private paper-book within a period of one year from today.

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7. Rule on interim relief in terms of prayer clause (d) is made returnable on 10th February 2024.
8. Learned advocate for respondent nos. 1 to 5 waives notice.
9. In addition to Court notice, learned advocate for the applicants to serve the remaining respondents, by private notice and file affidavit of service before the next date.
10. Till next date, parties shall not create any third party interest in respect of the suit property.

(GAURI GODSE, J.)