



(1)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**951 CIVIL APPLICATION NO. 2340 OF 2025
IN**

SA/48/2024

WITH

SECOND APPEAL NO. 48 OF 2024

**HADIYA AMIR SALAM BIN MUBARAK
THROUGH GPA GHAZI AMER BIN MUBARAK**

VERSUS

FATIMA WD/O KHAMIZ BIN SAEED AND OTHERS

...

Advocate for Applicant : Mr. Asfiya Nuzhat Ansari
Advocate for Respondent Nos. 1 to 4 : Mr. A.P. Bhandari

...

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 17th June, 2025

PER COURT:

1. Learned Advocate Mrs. Ansari, for the appellant submits that second Appeal is already admitted on 29.01.2025 by framing substantial questions of law and, thereafter, an interim order is also passed in this Civil Application on 05.03.2025, which is reproduced below:

(2)

“ *Heard.*

2. *Issue notice to the respondents, returnable on 16th April, 2025. Mr. A.P. Bhandari, learned counsel waives service for Respondent Nos.1 to 4.*

3. *In view of the fact that the second appeal is admitted on 29.01.2025 by framing a substantial question of law and interim order against creation of third party rights was operating till disposal of the first appeal, I am inclined to grant ad-interim relief against creation of third party rights till further orders.*

4. *By way of ad-interim relief, all the parties including the appellant/applicant are restrained from creating third party interest over the suit property till further orders.*

5. *It is informed that the execution proceeding is on going with respect to the residential house which is subject matter of the Civil Suit. Ad-interim order granted today does not mean that the execution proceedings are stayed. I have not granted any stay to the execution proceedings. However, in order to further clarify the matter, it is directed that the interim injunction granted today will operate with respect of residential house as well till the final decision of the execution*

(3)

proceedings. Once the execution proceedings with respect to residential house is over, the injunction granted today shall cease to operate with respect to residential house.”

2. In view of this order, the Civil Application is disposed of.

(PRAFULLA S. KHUBALKAR, J.)

spc