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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 14800 OF 2024
WITH
INTERIM APPLICATION NO. 14841 OF 2024
WITH
INTERIM APPLICATION NO. 14799 OF 2024
WITH
INTERIM APPLICATION NO. 14801 OF 2024
WITH
INTERIM APPLICATION NO. 14797 OF 2024
WITH
CROSS OBJECTION (ST) NO. 26141 OF 2024
IN
SECOND APPEAL NO. 548 OF 2022

Sou. Sayara Saheblal Mulla ... Applicant

Vs.

Shri Abdulrahim Afzalsha Kazi ... Respondent

WITH
INTERIM APPLICATION NO. 14812 OF 2024
WITH
INTERIM APPLICATION NO. 14813 OF 2024
IN
SECOND APPEAL NO. 281 OF 2022

Sou. Sayaraa Saheblal Mulla ... Applicant

Vs.

Abbas Alamsha Kazi since ... Respondent
Deceased through his Legal Heirs

WITH
INTERIM APPLICATION NO. 14814 OF 2024
WITH
INTERIM APPLICATION NO. 14815 OF 2024

Intaj Mard Islam Mulla and Others

... Applicants

Vs.

Abbas Alamsha Kazi since

... Respondent

Deceased through his Legal Heirs

Mr. Prathamesh Bhargude a/w. Mr. Sumit Sonare for Appellant in SA/548/2022.

Mr. Nikhil Wadikar a/w. Mr. Rushikesh Desai i/b. Mr. Nandu Pawar for Respondent Nos. 1 to 16 in SA/548/2023 and for Respondent Nos. 1B to 1E in SA/281/2023.

Mr. Ketan Joshi for the Appellant in SA/281/2023 and on behalf of respondent nos. 25A to 25D and 29 to 31 in SA/548/2022.

Mr. R. M. Momin i/b. Mr. Laxman Kalel for Respondent Nos. 56(A) to 56(D), 57 and 58 in SA/548/2022.

CORAM : GAURI GODSE, J.

DATE : 14th JANUARY 2025

ORDER :

1. These applications would amount to modifying order dated 23rd October 2023 by which second appeals were admitted and interim protection was granted. The order imposes a condition on the appellants restraining them from creating any third party interest in the suit property during pendency of the second appeal. These applications are filed by the original plaintiff seeking compensation during the pendency of the second appeal.

2. The impugned decree already directs holding of inquiry for mesne profits. The impugned decree is stayed by this court. Hence, at this stage prayers in the application cannot be examined.
3. Learned counsel for the applicants seeks time to take instructions whether the applicants would want to withdraw the applications with liberty to agitate the grievances in the inquiry for mesne profits as directed in the impugned decree in the event the second appeals are dismissed.
4. To enable the learned counsel for the applicants to take instructions, list the application on 29th January 2025. To be listed under the caption for “Directions”

[GAURI GODSE, J.]