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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 6762 OF 2024

INTERIM APPLICATION NO. 6758 OF 2024

INTERIM APPLICATION NO. 6761 OF 2024

INTERIM APPLICATION NO. 3899 OF 2025

CIVIL APPLICATION NO. 967 OF 2019

CIVIL APPLICATION NO. 969 OF 2019

IN

SECOND APPEAL ST NO. 22694 OF 2018

Maruti Bhimanna Shinde (Vadd) and ors

.....Applicants

Vs.

Hanmant Karsunda Shinde (Vadd) and ors

.....Respondents

Mr. Abhijit Adagule a/w Ms. Ketaki Patil for the applicants

Mr. Sandeep Koregave for respondents

CORAM : GAURI GODSE, J.

DATE : 17th MARCH 2025

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ORDER:

INTERIM APPLICATION NO. 3899 OF 2025:

1. Not on board. Taken on board.

2. By order dated 19th November 2024, notice is issued in the application for condonation of delay in filing the second appeal.

Notices are already issued in the application for bringing on record

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the heirs and legal representatives of the deceased respondents. The Court notices issued are not yet served upon all the respondents.

3. Learned counsel for the appellants submits that recently the respondents have issued a public notice dated 6th January 2025 indicating the intention to create third party rights. He, therefore, submits that present application is filed for injunction restraining the respondents from creating any third party rights.

4. While issuing the notice in the condonation of delay, the contentions on behalf of the appellants regarding the questions of law that would arise in the second appeal are already recorded. The notices are yet to be served upon all the respondents. However, if during the pendency of the application for condonation of delay in filing the second appeal, any third party rights are created, same would adversely prejudice the rights and contentions of the appellants and would also result into multiplicity of proceedings.

5. Hence, during pendency of Civil Application No. 967 of 2019, the parties to the second appeal shall not create any third party rights in respect of the suit property.

6. Learned advocate for the appellant shall take steps to serve all the respondents in the application for condonation of delay.
7. In addition to the notices issued in the application for condonation of delay, office is directed to issue notice of the present application to the respondents.
8. Notice is made returnable on 11th June 2025.
9. In addition to Court notice, learned advocate for the applicants shall serve the respondents by private notice and file affidavit of service before the next date.

[GAURI GODSE, J.]