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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 10925 OF 2025
IN
SECOND APPEAL NO. 455 OF 2015**

Shantaram Sagu Jagdale ... Applicant
In the matter between
Shri Aba Sagu Jagdale ... Appellant
Vs.
Shri Shantaram Sagu Jagdale ... Respondents
and Others

Ms. Shailesh Chavan i/b. Mr. Milind Deshmukh for the
Applicants.

Mr. Sachin Gawade i/b. Mr. Avinash B. Avhad for the
Respondents.

CORAM : GAURI GODSE, J.

DATE : 18th APRIL 2026

ORDER :

1. This application is filed by respondent no. 1 in the second appeal. The grievance of the applicant is that respondent no. 14 is carrying out unauthorised construction in violation of the order dated 26th February 2025.

2. I have perused the order. By the said order second appeal is admitted and the declaration as granted in clause 3 of the operative order of the impugned judgment is stayed.

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The parties are directed not to create third party interest or part with possession in favour of any third party during the pendency of the second appeal. There is no order directing any of the parties not to carry out any construction.

3. However, considering the nature of dispute and the pendency of the second appeal it is clarified that if any of the party carry out any construction, the same will be subject to the outcome of the second appeal.

4. It is further clarified that the interim directions passed in order dated 26th February 2025 is binding upon all the parties to the second appeal. Hence, if any non-compliance is reported in future, the same shall be considered as breach of the directions issued by this court in order dated 26th February 2025.

5. The interim application is disposed of in aforesaid terms.

[GAURI GODSE, J.]