



FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5113 OF 2001
Devishankar Mishra
vs.
Chotelal B. Prajapati and anr.

Office Notes, Office
memorandum of Coram,
appearance, Court's
orders or directions &
Registrar's orders.

Court's or
Judge's orders.

Mr. Asit Singh I/b Mr. Sunil Singh for the Petitioner.
Mr. Akash Rebello a/w. Mr. Mahesh R. Mishra for
Respondent No.1.

CORAM : M. S. SONAK, J.
DATE : 23 APRIL 2019.

P.C. :-

1] In terms of the order dated 6th November 2001, there is interim relief granted in terms of prayer clause (b) which states that until final disposal of the petition, the judgment and order dated 18th August 2001 be stayed. Learned counsel for respondent No.1, now states that the petitioner, taking undue advantage of the said interim order, is on the verge of creating some third party rights in the suit premises. Obviously, this cannot be permitted.

2] Accordingly, it is made clear that there shall be restraint on the petitioner as well from creating any third party rights, alienating or otherwise parting



with possession of the suit premises.

3] Mr. Singh ,learned counsel for the petitioner, undertakes to forthwith communicate this order to the petitioner.

4] The respondent No.1 is also at liberty to independently communicate this order to the petitioner.

5] It is made clear that if this Court finds that the petitioner by taking undue advantage of the order dated 6th November 2001 creates any third party rights or otherwise alienates the possession of the suit premises, then the Court will consider appointing the Court Receiver in order to secure the suit premises.

6] Place the petition on the board of final hearing in the week commencing from 10th June 2019, since the petition relates to the year 2001 and respondent No.1 is reported to be a senior citizen.

7] All concerned to act on the basis of authenticated copy of this order.

(M. S. SONAK, J.)