

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

SECOND APPEAL NO. 256 OF 2026

Mohamad Pasha Mohamad Bashiroddin Died Thr Lrs Mubeen Ahmad
Mohd. Pasha Khalil Siddiqui And Ors

....Appellant

VERSUS

Sow Sushilabai Rameshetti Birajdar Through Her Lrs And Ors

.....Respondent

Advocate for Appellant : Mr. R.N. Dhorde, Senior Counsel h/f. Mr. Vikram
Ramesh Dhorde,

Adv. for Respondents: Mr. P.R. Katneshwarkar, h/f./ Mr. Akash Malipatil,
for respondent No.9

WITH
SECOND APPEAL NO. 257 OF 2026

CORAM : MEHROZ K. PATHAN, J.

DATE : 8th MAY, 2026.

P.C. :-

1. Heard Shri Dhorde, learned Senior Counsel for the appellant and Mr. Katneshwarkar, learned Senior Counsel for the respondents.

2. Due to paucity of time, appeals cannot be taken for admission. It is submitted by the learned Senior Counsel that against the trial court judgment dated 6.8.1996, the First Appeals were filed by the defendants before this Court bearing No. 627 of 1996 and other connected first appeals. This Court, vide order dated 1.2.2008, passed a detailed order granting injunction not to create a third party interest or to alienate the suit property. The relevant paragraph of the order dated 1.2.2008 are as under:-

“[3] In view of this position and taking into account the facts and circumstances it is hereby directed that the respondents shall not create third party interest or alienate the suit property pending the appeal and further no construction of permanent nature shall be made on the suit property. If any structure is raised on the said property of the temporary nature, it shall be subject to the final outcome of the appeal itself.”

3. Due to pecuniary jurisdiction the First Appeals came to be transferred before the learned District Judge and the same came to be registered on R.C.A. No. 26 of 2012, 28 of 2012 and other matters. The learned District Judge, after hearing the parties has decided the appeals vide order dated 17.4.2026. The present appeals are filed challenging the said judgment dated 17.4.2026 passed by the District Judge, reversing the decree of the trial court. It is submitted by the learned Senior Counsel that the orders dated 1.2.2008 passed by this Court with a direction not to create any third party interest were maintained by the First Appellate Court, even during pendency of the first appeal and even after disposal of the first appeal by order dated 27.4.2026 by passing the order below Exh. 133 dated 27.4.2026. The relevant portion of the operative part of the order dated 27.4.2026, below Exh.133 reads as under :-

“(1) Application is partly allowed.

(2) The order of injunction issued by Honourable Bombay High Court on 1.2.2008, which remains in effect until the decision of the appeal bearing RCA No.30 of 2012 is extended for ten days. It is clear that no further extension should be sought by the legal representatives of plaintiff No.1, and no additional application of any kind will be entertained.”

4. The present matters are fixed for hearing on admission after re-opening i.e. on 25.6.2026.

5. The interim order passed by this court dated 1.2.2008 in F.A. No. 627 of 1996 and other connected first appeals, which were continued by the learned District Judge, Udgir vide its order dated 27.4.2026 passed below Exh.133, shall continue till the next date of hearing.

6. Stand over to 25.6.2026.

[MEHROZ K. PATHAN]
JUDGE.

grt/-