

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 5491 OF 2026  
IN SA 271 OF 2026**

**SHAIKH AHMED SHAIKH ABBASSALI CHINCHOTE, DIED  
THROUGH LRS  
VERSUS  
MOHD AMINUDDIN MOHD GULAM RASOOL SIDDIQU AND  
OTHERS**

...  
Advocate for the Applicants : Ms. Asfiya Nuzhat Ansari  
...

**CORAM : MEHROZ K. PATHAN, J.  
DATE : 07.05.2026.**

**PER COURT :**

1. The learned Counsel for the Applicants Ms. Ansari submits that while the First Appeal was pending before the first appellate Court there was interim order operating in the First Appeal with direction to the defendants not to create any third party interest granted in the suit property vide order dated 01.02.2008. The First Appeal came to be transferred to the District Judge on the point of pecuniary jurisdiction.

2. The learned District Judge while reversing the finding of the learned trial Court and dismissing the suit had even thereafter maintained the interim order passed by this Court dated 01.02.2008 passed in Civil Application No. 532 of 2008 in First Appeal No. 627 of 1996.

3. The learned District Judge, Udgir while passing the order had specifically passed order dated 27.04.2026 discussing in detail the construction activities carried out hurriedly by the defendant and thereby specifically granted stay, though for limited period.

4. Thus, taking into consideration the fact that in the accompany Second Appeal the notices are already issued by formulating the substantial questions of law I am inclined to pass following order :

**ORDER**

(i) Issue notice to the respondents, in the Civil Application, returnable on **02.07.2026**.

(ii) In the meanwhile, there shall be ad-interim relief in terms of prayer Clause ( C ), which reads as under :

*“( C ) During the pendency and final disposal of the Second Appeal the Respondents, Agent servant anybody claiming, through them be restrained by granting injunction not to create any third party interest i.e. in the suit property and not to make any kind of structure/construction permanent or temporary on the suit property i.e. Survey 17/A admeasuring 4H 42R situated at Nidban Tq. Udgir, District Latur”.*

**( MEHROZ K. PATHAN, J. )**