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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.10736 OF 2019

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Standard Corrosion Control
Private Limited & Ors.

... Petitioners

V/s.

Hiraman Sukhdev Bachhav & Ors.

... Respondents

Mr. Sandesh D. Patil i/by Ms. Anusha P. Amin, Mr.
Chintan Shah & Mr. Prithviraj Gole for the petitioner.

Mr. Kamalesh Mali for respondent Nos.1 and 2.

Mr. Bhatu Sukhlal Wagh, petitioner No.2 in-person.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 12, 2024

P.C.:

1. The petitioners are challenging order passed by the Trial Court in exercise of power under Order 38 Rule 5 read with Section 151 of the Code of Civil Procedure, 1908 in a suit for recovery of amount.

2. Learned advocate for the petitioners invited my attention to the undertaking filed by defendant Nos.1 and 2 before the Trial Court stating that defendant Nos.1 and 2 shall not create third party interest in respect of the property mentioned in paragraph 4 of the application is accepted. The said undertaking will remain in force till the disposal of the suit.

3. Learned advocate for the petitioner, on instructions from petitioner No.2 who is present in Court, states that the property referred in paragraph 4 of the application filed below Exhibit 12 is unencumbered and is having clear marketable title. The statement is accepted.
4. In view of said statement, the order impugned dated 10 June 2019 is quashed and set aside.
5. The writ petition stands disposed of accordingly. No costs.

(AMIT BORKAR, J.)