

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

FIRST APPEAL NO.330 OF 2020

Mrs.Harshida H. Dave and ors. ... Appellants
Vs.
Mrs.Gunvantiben H. Dave and ors. ... Respondents

Mr.Vijaya Ingale with Mr.Rupesh Mandhere, Mr.Vineet Sawant i/by M/s Sean Wassooodeo, Advocates for the Appellants.
Mr.Nikhil S. Karnawat, Counsel i/by M/s Maniar Srivastava Associates, Advocates for Respondent No.5.
Mr.Santosh Parad, Advocate for Respondent No.6/MCGM.

CORAM : ABHAY AHUJA, J.
DATE : 19th DECEMBER, 2022.

P.C. :

1. This is an appeal impugning the judgment dated 11th April, 2019 passed by the City Civil Court, Mumbai in Long Cause Suit No.4095 of 2006 pursuant to which the City Civil Court partly decreed the suit in favour of the appellants. The appellants are aggrieved that although the subject property is purportedly undivided, the court has not granted the prayer of permanent injunction so as to submit the plans for redevelopment.

2. Learned counsel for the appellants would submit that the court has

observed that the appellants are in possession of the respective area and there is no partition of the suit property by metes and bounds and to that extent the Trial Court has granted injunction.

3. Mr.Karnawat, learned counsel for respondent No.5 submits that his client has already filed a suit for partition of the larger premises which is pending in this court.

4. Having heard learned counsel and having perused the impugned judgment, issue notice to the respondents returnable on 16th January, 2023.

5. Mr.Karnawat waives service on behalf of respondent No.5 and Mr.Parad waives service on behalf of respondent No.6.

6. Learned counsel for the appellants is also permitted to file the compilation of documents by the next date.

7. List on 16th January, 2023.

(ABHAY AHUJA, J.)