

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

931 WRIT PETITION NO. 2892 OF 2026

Sarojabai Vishwanathrao Patil

VERSUS

Bhagwan Dattatraya Bhale And Others

Advocate for Petitioner : Mr. Shelke Avishkar S.

CORAM : S. G. CHAPALGAONKAR, J.

Dated : March 17, 2026

PER COURT :-

1. Heard Mr. Shelke, learned advocate appearing for the petitioner. He would submit that petitioner is original defendant no.1 in R.C.S. No.130 of 2020 pending before learned Civil Judge J.D. Hadgaon. Respondents/plaintiff had filed an application seeking relief of temporary injunction against defendants. Said application came to be rejected vide order dated 4.11.2024. The aforesaid order is subjected to challenge by plaintiff in MCA No.89 of 2024. During pendency of this appeal, plaintiff filed an application for injunction below Exhibit-5.

2. The learned Appellate Court allowed said application and restrained the petitioner/defendant from interfering with possession of plaintiff till disposal of the appeal.

3. Mr. Shelke, would submit that suit is pending since 2020. There was no injunction operating. In the year 2024 first time, plaintiff filed an application below Exhibit 117, which was rejected by trial Court recording adequate reasons vide order dated 4.11.2024. In this background, learned District Judge entertained interim application at Exhibit-5 filed by plaintiff in MCA no.89 of 2024 and granted injunction while keeping Misc. Appeal pending adjudication. Mr. Shelke, would submit that suit is already reached to final stage. Evidence of parties is already recorded and now arguments are to be advanced. Therefore, there was no necessity to pass any interim injunction order. Mr. Shelke also pointed out certain lines from cross-examination of plaintiff whereby plaintiff admitted that he do not possess document to show his possession. Mr. Shelke would further point out that petitioner/defendant no.1 has placed on record 7/12 extract indicating that her name is recorded as owner and possessor in respect of the suit property.

4. In light of submissions advanced, issue notice to the respondent **no.1 only/original plaintiff**, returnable after four weeks.

5. Till the returnable date, there shall be ad-interim relief in terms of prayer clause “D”. However the Trial Court shall be at liberty to proceed with final hearing of suit and pass final orders. Pendency of present writ petition shall not be an impediment for the same.

(S. G. CHAPALGAONKAR, J.)

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