

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

SECOND APPEAL NO. 161 OF 2025

Jago S/o. Lahanu Mujbaile (dead) through LR.

Vs.

Ramesh S/o. Natthuji Lade (dead) through LR.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri M. P. Dhruv, Advocate for appellants.

CORAM :- M. W. CHANDWANI, J.

DATED :- 23.06.2025

Heard.

2. Issue notice to the respondents on the following substantial question of law, returnable after four weeks:-

“Whether the judgment and decree passed by First Appellate Court as well as Trial Court is sustainable in law by ignoring the material fact that, suit for mandatory injunction is not tenable when case of the plaintiff is of the so called encroachment by some person other than the defendant and that person not being party to the suit ?”

3. In the meanwhile, the Executing Court shall not proceed in the matter till the next date of hearing.

(M. W. CHANDWANI, J.)