



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

SECOND APPEAL NO.211 OF 2025

Pundlik Waghji Shelke .Vs. Shrikrushna Pundlik Shelke and another

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

Court's or Judge's Order

Mr. M.K. Thakkar, Advocate for appellant.

Mr. S.M. Bhangde, Advocate for respondents.

CORAM : ROHIT W. JOSHI, J.

DATE : 12/01/2026

1. Mr. Bhangde, learned Advocate for the respondents contends that the suit filed by the appellant/plaintiff was for declaration of ownership and perpetual injunction and that the alleged possession of plaintiff should not be dispossessed without following due process of law. He draws attention to the order dated 08.02.2022, passed by this Court in Writ Petition No.6827 of 2017, particularly paragraph-4 thereof, to contend that the appellant is admittedly not in possession of the suit property. He contends that the prayer for perpetual injunction obviously cannot be granted in view of order dated 08.02.2022, wherein possession of the respondents is admitted. He further contends that the suit simplicitor for declaration of ownership cannot be entertained. According to Mr. Bhangde, the suit itself is not maintainable and therefore, the substantial questions of law framed vide order dated 09.09.2025 do not arise for consideration, as much as

the said question will arise for consideration only if the suit is maintainable.

2. At the request of the learned Advocate for the appellants, stand over to **22.01.2026** for final hearing at the admission stage.

(ROHIT W. JOSHI, J.)

C.L. Dhakate