

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

39 WRIT PETITION NO. 9491 OF 2015  
WITH CA/14410/2016 IN WP/9491/2015

NANDKUMAR SHANKARRAO RASNE  
VERSUS  
PRAVEEN CHHOTALAL MEHATA AND OTHERS

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Shri. V.P. Latange, Advocate, for petitioner.

Shri. P.P. Kothari, Advocate, for respondents 1, 3, 4 & 5,

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**CORAM: T.V. NALAWADE, J.**

**DATE : 13 DECEMBER 2016**

**ORDER:**

1) The petition is filed to challenge the order made on Exhibit 1 of Regular Civil Suit No.1156/2012 which is pending before the learned Civil Judge Junior Division Ahmednagar. Herd both the sides.

2) The suit is filed by present petitioner for injunction simplicitor. It is his case that there was agreement between the plaintiff and defendant No.1 & 2 and then defendants agreed orally with plaintiff to sell the suit property. It is also contended that defendant No.1

has orally agreed to give share in the profits if the property involved is sold. In the suit he has prayed for relief only to prevent the defendants from alienating the property in any way.

3) In view of the aforesaid nature of pleadings, application was moved by the defendants to frame preliminary issues like tenability of the suit in view of provisions of the Partnership Act and tenability of the suit in view of section 41(h) of the Specific Relief Act. Aforesaid pleading is sufficient to show that these issues are necessary issues and the plaintiff could not have filed the suit for injunction simplicitor. This Court holds that it will be unnecessary harassment to the defendants if they are directed to face long drawn battle of the litigation. No case is made out to interfere in the matter. The petition is dismissed. Civil Application also disposed of.

Sd/-  
**(T.V. NALAWADE, J. )**

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