

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

WRIT PETITION NO.1828 OF 2014

(Sau. Sulochanabai Vitthalrao Kharapkar and another ..vs.. Venutai Shriramji Lendhe and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.
DATED : 01-07-2016

Heard Shri A.S. Deshpande, Advocate for the petitioners-original plaintiffs and Shri V.S. Bapat, Advocate for the respondent No.10-original defendant.

2. The petitioners-plaintiffs have filed the civil suit praying for decree for partition and separate possession of their share in the suit property. The petitioners-plaintiffs are in possession of some portion of house property. As there is no power supply and water connection in the portion occupied by the petitioners, they applied to the concerned authorities for allotment of separate water connection, electricity connection and separate meters. The defendants objected to the applications submitted by the plaintiffs before the concerned authorities. The petitioners-plaintiffs filed an application in the civil suit praying for temporary injunction restraining the defendants from raising objection before the concerned authorities in the matter. The learned trial Judge rejected the application filed by the petitioners. The appeal filed by the petitioners is also

dismissed.

3. Considering the fact that the petitioners are occupying some portion of the house property and suit for partition and separate possession is pending, in my view, the following order would sub-serve the ends of justice :

- (i) The defendants are restrained from taking objection on the applications which are filed or may be filed by the petitioners-plaintiffs before the concerned authorities seeking water connection, electricity connection and separate meters for the portion of the house occupied by them.
- (ii) The petitioners shall file an undertaking before the trial Court in the civil suit within two weeks that the petitioners will not claim any substantive rights and equities on the basis of water connection, electricity connection and the meters allotted to them.
- (iii) The petition is disposed in the above terms. The parties to bear their own costs.

JUDGE

adgokar