

1. The petition is filed to challenge the order made by Civil Judge, Junior Division, Dhule in RCS No.322 of 2013 and also to challenge the order made in Civil Appeal No.38 of 2015. The suit is filed by present petitioner and in the suit at Exh.43, application was moved by defendant for giving direction to the plaintiff to remove partition created in the suit property in breach of order made by Civil Court. Trial Court has given direction to plaintiff to remove the partition and this order is confirmed by District Court in the appeal.
2. This Court has gone through the order passed by Trial Court and District Court. It was submitted for the plaintiff, petitioner

that, he has created partition in view of oral permission given by the Presiding Officer of Court. After filing of the suit, both the parties were expected to maintain status-quo and they were not allowed to change the nature of the property, which is shop premises. It can be said that, by making the construction of partition, the nature of the property is changed and so direction was given to remove that partition. It can be said that, such order is well within the power of Trial Court Judge. This Court holds that, Trial Court has discretion and jurisdiction and so no interference possible. There is no need to interfere in the orders of the Trial Court. Petition stands dismissed.

(T.V.NALAWADE, J.)

...

vmk