

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

WRIT PETITION NO.2437 OF 2016

Jeevan s/o Dattatraya Panvantwar and two others

Vs.

Smt. Usha wd/o Marotrao Korke

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri D.B.Walthare, Advocate for petitioners.
Shri B.M.Kharkate, Advocate for respondent-sole.

CORAM : A.S.CHANDURKAR, J.

DATED : June 04, 2019

In this writ petition the petitioners have challenged order passed by the trial Court dated 16.04.2015 rejecting the application for temporary injunction so as to restrain the respondent from creating any third party rights in the suit property. The appellate Court has dismissed the Misc. Appeal bearing M.C.A.No.127/2015 filed by the petitioners vide its order dated 07.07.2015.

The petitioners have filed Civil Application No. 128/2019 praying that the writ petition be permitted to be amended to bring on record various factual aspects. Similarly, Civil Application No. 129/2019 has been filed seeking permission to file on record various documents.

It has transpired that the documents sought to be brought on record are not yet placed on record before the trial Court. Considering the fact that the petitioners seek to challenge the impugned order by relying upon

various documents for the first time before this Court coupled with the fact that this Court has not granted any interim relief to the petitioners, the interests of justice would be served by passing the following order :

(1) The petitioners are at liberty to place on record additional documents before the trial Court. After those documents are placed on record, it is open for the petitioners to file a fresh application for grant of interim injunction, if they so desire.

(2) The respondent is at liberty to contest such application on its own merits, if the same is filed.

Needless to state that the trial Court shall decide that application on its own merits in accordance with law.

Keeping the points raised open for being urged before the trial Court, the writ petition and civil applications stand disposed of. No costs.

JUDGE

Andurkar.