

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION (STAMP) NO.563 OF 2021
WITH
INTERIM APPLICATION NO.506 OF 2021
IN
WRIT PETITION (STAMP) NO.563 OF 2021**

Santosh Baban Khurange

...Petitioner

Versus

Govind Miraji Mengade since
deceased through his legal heirs -
1A) Smt. Jamunabai Govind
Mengade and Ors.

...Respondents

...

Ms Rekha Musale for the Petitioner.

Mr. Vivek V. Salunke for Respondent Nos.1, 2 and 3.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 15th MARCH, 2021.

P.C.:-

The Petitioner herein has challenged order dated 07/10/2011 whereby the learned District Judge, Baramati, restrained him from carrying out any construction in the suit land till disposal of the suit.

2. Present petition is filed after about 10 years from the date of the impugned order. By the impugned order dated 07/10/2011 Defendant Nos.1 to 3, who are the Respondent Nos.4 to 6 in the

present petition were restrained from carrying out construction in the suit land pending disposal of the suit. The Defendant Nos.1 to 3 did not challenge the said order. The impugned order is challenged by the Petitioner having purchased the said land in the year 2017 and 2018. The Petitioner, who has purchased the land during the pendency of the suit despite the order of injunction, cannot be allowed to challenge the order after a lapse of 11 years. Moreso, when the suit is at the fag end of trial.

3. The petition has no merits and is accordingly dismissed.
4. In view of disposal of the Writ Petition, Interim Application does not survive and hence stands disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)