

Bhalchandra
G. Dusane

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Bhalchandra G.
Dusane
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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.13723 OF 2018

Sundaram Co-operative Housing Petitioner
Society Limited

Vs.

M/s R.P. Constructions Respondent

Mr. Rohit D. Joshi for Petitioner
Mr. Drupad S. Patil for Respondent.

Coram : NITIN W. SAMBRE, J.
Date : 22nd January, 2021

P.C.:

1. In a suit for declaration and injunction, both the Courts below have concurrently held that the Petitioner has not made out prima facie case, there is no balance of convenience in favour of the Petitioner and since there exist way to enter into the society building, no irreparable loss would likely would be caused.

2. Mr. Patil, learned counsel for the Respondent has given some suggestion to which the Petitioner is not agreeable. However, this

will not preclude the parties from sitting together before the trial Court and settle the matter. The trial Court as such is requested to refer the matter for mediation.

3. As far as merits of the matter are concerned, I hardly see any ground, which warrants interference in the order impugned, as already there exist right of way to the Petitioner.

4. In view of above, no case for interference is made out. The Writ Petition is dismissed.

(NITIN W. SAMBRE, J.)