

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

954 WRIT PETITION NO.9097 OF 2022

GOVINDRAO SAMBHAJI PAWAR
VERSUS
PURBHAJI SAMBHAJI PAWAR AND ANOTHER

Shri. B. N. Gadegaonkar, Advocate for the petitioner

**CORAM : M. G. SEWLIKAR, J.
DATED : 8th SEPTEMBER, 2022**

PER COURT :-

1. Heard.
2. The petitioner is challenging the order passed by the District Court.
3. The petitioner is the original plaintiff in R.C.S. No. 37 of 2019. He has filed suit for partition and separate possession. Already a suit for partition and separate possession was filed by the respondent Nos. 1 and 2, in which compromise decree was passed. Learned counsel for the petitioner submits that the petitioner was not a party to the said suit.
4. The petitioner is now seeking injunction to restrain

the respondent from alienating the suit property. The learned Trial Court had allowed the application. The learned Appellate Court on appeal by respondent Nos. 1 and 2 allowed the appeal and dismissed the application Exhibit 5.

5. The petitioner has not challenged the compromise decree on the ground of fraud. Therefore, the compromise decree is valid. Therefore, injunction not to alienate the suit property cannot be granted.

6. The learned Appellate Court has given cogent reasons. I do not find any infirmity in the order of the first Appellate Court. In this view of the matter, writ petition is devoid of any substance, hence it is dismissed.

[M. G. SEWLIKAR, J.]

ssp