

Diksha Rane

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

**APPEAL FROM ORDER NO. 332 OF 2022
WITH
INTERIM APPLICATION NO. 2337 OF 2022**

Kshatrakulotpanna Maratha
Samaj (KMS)

..Appellant

vs.

Suman Education Society & ors.

..Respondents

Mr. Arjun B. Kadam a/w. Ms. Bhakti Jogal for the appellant.
Mr. Pankaj G. Jain for respondents.

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 12, 2022.

P.C. :

1. Learned counsel for the appellant submitted that the appellant-original defendant no.1 has nothing to do with defendant nos. 2 and 3 and therefore, injunction should not have been granted against them. According to learned counsel for the appellant, it is defendant no.3 against whom the cause of action subsists in the suit.

2. The respondent no.1-plaintiff has taken a stand that the appellant-defendant no.1 being the owner of the suit premises can enter the suit premises for which the respondent no.1-plaintiff has no objection but with a rider that the defendant no.1 should not use any force to enter in the suit premises as was done on July 12, 2021 in

connivance with the defendant nos. 2 and 3.

3. Learned counsel for the appellant submits that he has no concern with the original defendant nos. 2 and 3. The appellant has served defendant nos.2 and 3 with a private notice.

4. In view of the statement made by the appellant-defendant no.1 that he has no concern with the defendant nos.2 and 3 and as the appellant-defendant no.1 undertakes not to use any force to enter the suit premises of the plaintiff, this appeal can be disposed of by accepting the statement of the appellant as indicated hereinbefore.

5. The appeal is disposed of.

6. The interim application is also disposed of.

(M.S.KARNIK, J.)