

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

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**APPEAL FROM ORDER NO.713 OF 2017
WITH
CIVIL APPLICATION NO. 951 OF 2017**

**SHRI. HIRAMAN PIRAJI KARANJAWANE
AND ORS. } APPELLANTS**

V/S.

**SMT. ANJANABAI MANDARAM
KARANJAWANE AND ORS. } RESPONDENTS**

*** * * ***

Mr. Ameya V. Borwankar Advocate for the appellant.

Mr. Prasad B. Kulkarni Advocate for the respondent no.34.

Mr. R.B.Kulkarni for R.Nos.35/1 and 35/2 and 35/3.

Coram : Sandeep K. Shinde, J.

Thursday, 7th April, 2022.

P.C. :

1) This Appeal challenges the order dated 31st January, 2017 by which the learned Civil Judge, Senior Division, Pune refused to restrain defendant no.32 from

developing the suit structure of which appellants/plaintiffs were seeking partition.

2) Learned counsel appearing for the parties, on instructions, submits that the trial is underway and the plaintiffs are undergoing cross-examination.

3) In that view of the matter, I am not inclined to interfere in the impugned order that was passed in January, 2017. However, in consideration of the facts of the case, trial in Special Civil Suit No.377 of 2015 is expedited. The learned Judge shall decide the suit on its own merits without being influenced by the impugned order.

4) All contentions of the parties are expressly kept open.

5) Appeal is disposed of alongwith applications therein.

(Sandeep K. Shinde, J.)