

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION No. 7408 OF 2022**

Smt. Chhya Arvind Dheb and Anr. . . .Petitioners

Vs.

Shri Prakash Pandurang Pawad (Dheb)
and Ors. . . .Respondents

Mr. Akshay R. Kapadia, Advocate for the Petitioners

CORAM : SANDEEP K. SHINDE, J.
MONDAY, 10TH OCTOBER, 2022.

P.C. :

1. Pending suit for partition, instituted by the Petitioners, the Trial Court declined to restrain the Defendants from making construction on the suit land Gat No.569. Appellate Court affirmed the view of the Trial Court. Therefore, this petition is preferred against the order dated 15th March, 2022 passed in Misc. Civil Appeal No. 49/2020. Two court, declined the interim relief, as sought, reason being, the suit land was subject to decree in partition suit No. 99/2004, instituted by the Respondents herein. Pleadings in plaint in the Regular Civil Suit No. 99/2004, fortify this fact.

In that view of the matter, no interference is called for in the impugned order. Petition is dismissed.

2. The Trial Court shall endeavour to decide the suit expeditiously.

(SANDEEP K. SHINDE, J.)

**VAISHALI
ANIL
TIKAM**

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