

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

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WRIT PETITION NO.6204 OF 2022

Baban Dagadu Gorale
Versus
Manohar Dhondur Gorale

.. Petitioner

.. Respondent

Mr.Rajesh S. Datar a/w Mr.Akshay J. Kandarkar for the petitioner.
Mr.Aniket Ranade for the respondent.

**CORAM : ROHIT B. DEO, J.
DATE : 8th JUNE 2022**

P.C.:-

1. The petitioner is the plaintiff in Regular Civil Suit 297 of 2019, who succeeded in securing an injunctive order from the learned trial Court as regards the construction which the defendant/respondent herein is carrying on. However, in appeal, order of injunction is reversed.

2. Having heard, learned counsel for the parties, in my view, considering that the construction is virtually complete, it would not be appropriate to disturb the Appellate order. Instead, it may be observed that the defendant shall not claim any special equity due to progress of the construction during the pendency of the litigation.

3. Needless to observe any construction which is made during

the pendency of the litigation shall be subject to final outcome of the lis.

It is further needless to observe that every contention, canvass by the plaintiff and then by the defendant, in rebuttal, is kept expressly open.

4. Subject to the observations supra, the petition is disposed of.

ROHIT B. DEO, J.