

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

WRIT PETITION NO.13781 OF 2018

Mr. Sunil Kaluram Lokhande and Ors.

..Petitioners

Versus

Mr. Vijay Barku Lokhande and Ors.

..Respondents

Mr. Sudhir V. Sadavarte, for the Petitioners.

Mr. Vilas B. Tapkir, for Respondent Nos.3(a) to 3(c), 4 & 5.

CORAM : NITIN W. SAMBRE, J.

DATE : 25th FEBRUARY, 2022

PC.

1. I am informed that respondent No.2 is proceeded ex-parte before the Court below.

2. I have perused the rival pleadings of the parties.

3. The relationship between the petitioners and the respondents is not in dispute as they have common ancestor by name Bhaguji Lokhande.

4. My attention is invited to the fact that independent suit for partition is already initiated by respondent Nos.4 and 5.

5. In the aforesaid background, since the subject matter of the present suit is also part of the suit claim for partition being Suit

(9)-WP-13781-18.doc.

No.35 of 2016 pending on the file of Civil Judge Junior Division, Khed, Pune, it can be inferred that the property which is subject matter is belonging to HUF. That being so, respondents are restrained from creating third party interest till the final decision in RCS No.97 of 2016.

6. With above observation, petition stands partly allowed.

[NITIN W. SAMBRE, J.]