

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.2306 OF 2022

(Smt. Satyafula wd/o Vinayakrao Atkare and others Vs. Shri Chakradharswami
Housing Scheme and Land Developers, thr. its Director Shri Arvind s/o Keshavrao
Bhajipale)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. Shadab Khan, Advocate for Petitioners.

CORAM: ROHIT B. DEO, J.

DATE: 29th APRIL, 2022.

The petitioners are the plaintiffs in Regular Civil Suit 1543/2019 which is brought for declaration, partition, cancellation of sale-deed and permanent injunction. The respondent is the sole defendant.

2. The petitioners applied to the trial court seeking temporary injunction restraining the defendant from alienating the suit property, which is dismissed. The petitioners preferred Miscellaneous Civil Appeal 116/2021 which is also dismissed.

3. What has weighed with the courts below is that the sale-deed which is challenged is executed in the year 1998 and 1999 and the challenge thereto is in the civil suit which is instituted twenty years later i.e. in 2019. The other consideration which has weighed with the courts below is that in any event the doctrine of *lis pendens* will come into

play and any transaction during the pendency of the suit shall be subject to the ultimate decision.

4. Discretion has been exercised, which I do not find arbitrary.

5. In exercise of writ jurisdiction I am not inclined to delve further and deeper.

6. I see no reason to interfere.

7. The petition is dismissed.

JUDGE

NSN