

VRJ

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

WRIT PETITION NO.15773 OF 2023

VAIBHAV
RAMESH
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Date: 2023.12.20
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Dnyaneshwar Abaji Thavare

... Petitioner

V/s.

The State of Maharashtra & Ors.

... Respondents

Ms. Manisha Devkar with Mr. Shankar Katkar for the
petitioner.

Ms. S. S. Bhende, AGP for respondent/State.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 19, 2023

P.C.:

1. The petitioner is challenging order passed by the Courts below rejecting temporary injunction application filed by the petitioner.
2. The petitioner filed Regular Civil Suit No.20 of 2021 for partition. In the said suit the petitioner filed an application against defendant No.3 not to utilize amount of compensation deposited in his account. Both the Courts below rejected the application.
3. On perusal of the impugned orders, it appears that the amount of compensation is deposited in the account of defendant No.3. Ultimately, after considering merits of the suit, it is for the Trial Court to pass appropriate order as final relief. However, at the

stage of interim relief, the prayers made by the plaintiff could not have been granted. Both the Courts below have rightly rejected the prayers made by the petitioner. The impugned orders do not suffer from legal infirmity.

4. The writ petition is dismissed. No costs.

5. It is made clear that the observations made in the present order are only for the purpose of considering validity of the impugned orders and shall not influence the Trial Court while deciding the suit. The suit shall be decided on its own merits.

(AMIT BORKAR, J.)