



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.15441 OF 2022

Dhanesh Namdeo Patil

..... Petitioner

Vs.

Kalubai Namdeo Patil & Ors.

..... Respondents

Mr. Dilip Bodake for the Petitioner.

CORAM : SHARMILA U. DESHMUKH, J.

DATE : 17 AUGUST 2023.

P. C.

1. The challenge in the petition is to the order of injunction passed by trial Court on 22/9/2016 which has been upheld by the appellate Court in Misc. Civil Appeal No.277/2016 by order dated 14/6/2022.

2. *Vide* impugned order dated 22/9/2016 the present petitioner is restrained from alienating the suit property or from creating third party interest in the suit property and also from making any kind of construction or changing the nature of the suit property till the final disposal of the suit.

3. Learned counsel for the petitioner submits that apart from the ancestral properties which are described in paragraph

No.3A the properties described in 3 B are self acquired property. He would further contend that by the injunction which has been granted the properties are left idle and he is unable to give the residential premises on leave and license basis or to make any use of the open plot. As such he would contend that there is loss not only to the petitioner but also to the respondents who are his step brothers and sisters.

4. Considering that the injunction is running against the present petitioner since the year 2016, I am not inclined to interfere with the impugned order under Article 227 of the Constitution of India. However as the suit in question has been filed for partition and separate possession in the year 2015, I am inclined to expedite the hearing so that each of the parties can get their respective shares in the properties.

5. Writ petition is disposed of with direction to the trial Court to decide Special Civil Suit No.686/2015 renumbered as Special Civil Suit No.705/2023 expeditiously and in any event within a period of one year from today.

SHARMILA U. DESHMUKH, J.