

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

WRIT PETITION NO. 726 OF 2023

Smt. Abeda Begum Abdul Hafeez
..VS..

Union of India, Ministry of Railways, through its General Manager, Central Railways,
Mumbai and others

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

Court's or Judge's orders

Mr. Govind Gurve, Advocate for petitioner.
Mr. Nandesh Deshpande, Deputy Solicitor General of India for respondent No.1.
Mr. N.P. Mehta, Assistant Government Pleader for respondent No.3.

CORAM : A. S. CHANDURKAR AND MRS. VRUSHALI V. JOSHI, JJ

DATED : JANUARY 31, 2023

The petitioner seeks a declaration that the respondent Nos.1 and 2 have no right to disturb the petitioner's possession over the house admeasuring 128.8 Sq.Mtr. at Mouza Bhankheda. It is further seen that the petitioner has filed Regular Civil Suit No. 883 of 2017 against the said parties – respondent Nos.1 and 2 along with a prayer for temporary injunction. The Trial Court has rejected the application for grant of temporary injunction on 11.01.2022. Against that order, the petitioner has filed Misc. Civil Appeal No.982 of 2022 before the Appellate Court. According to the learned counsel for the petitioner, since the summons are yet to be served on respondent Nos.1 and 2, this Court may entertain this Writ Petition and protect the petitioner's possession.

2. We find that the petitioner having been approached the Civil Court along with prayer for injunction and the Misc. Civil Appeal being pending

before the Appellate Court, it would be necessary for the petitioner to seek appropriate orders before the Appellate Court.

3. In that view of the matter, we are not inclined to entertain the Writ Petition. The Writ Petition is disposed of.

4. The petitioner is at liberty to immediately approach the Appellate Court and seek appropriate relief in that regard.

(MRS. VRUSHALI V. JOSHI, J.)

(A. S. CHANDURKAR, J.)

Kirtak