



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

WRIT PETITION NO.6706 OF 2018

Smt. Malti Wd/o Ramesh Shairey .Vs. Ramesh Chaitram Neware and another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri M. Shareef, Advocate for the petitioner.

Shri P.S. Sadavarte, Advocate for the respondent No.1.

CORAM : ANIL S. KILOR, J.

DATED : 21/08/2023

1. Heard.

2. The order granting injunction not to carry out construction over the suit property till the disposal of the suit by the trial Court vide order dated 21.10.2015 was maintained by the learned lower appellate Court vide judgment and order dated 25.07.2018, hence this petition.

3. The learned counsel for the petitioner points out that before passing such order restraining the petitioner from carrying out construction over the suit property, the petitioner has already constructed a house and started residing in the same.

4. If this statement is accepted, there is no cause of action for the petitioner to file the present petition as the order prohibits only to carry out any construction and in

that view of the matter, the petitioner cannot be termed as an aggrieved person as there is no adverse order against the petitioner.

Accordingly, the writ petition is **disposed of**.

JUDGE