



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

23 WRIT PETITION NO. 8602 OF 2024

MOHAMMED HANIF MOHAMMED YUSUF AND OTHERS

VERSUS

RUKSANA BEGUM MOHAMMED YUNUS THROUGH GPA BALRAJ
PRAKASH PANDEY

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Advocate for the Petitioner : Mr. Pathan Hamzakhan I.

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CORAM : ARUN R. PEDNEKER, J.

DATE : 19th AUGUST, 2024

PER COURT:

1. The learned counsel for the petitioners / defendants submits that the respondent / plaintiff seeks to include the property, which is owned by the petitioners no.2 and 3, in the suit property and she claims injunction against the petitioners in the said property. The learned counsel submits that since the property is owned by petitioners no.2 and 3, the same cannot be included in the plaint filed by respondent/plaintiff.

2. However, it is to be noticed that mere inclusion of the property in the plaint will not give any right to the plaintiff. The plaintiff will have to demonstrate his right over the suit property to claim any injunction and the plaintiff would succeed only if the plaintiff has demonstrated his right over the suit property. The suit is at a pre-trial stage and the inclusion of the property in the plaint would not mean that

the plaintiff has succeeded in getting an injunction against the defendants. The plaintiff will be entitled for injunction only after demonstrating her right over the suit property.

3. In view of the same, I see no reason to interfere in the order of the trial court. The writ petition stands dismissed.

[ARUN R. PEDNEKER, J.]

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