

VRJ

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

WRIT PETITION NO.10551 OF 2016

VAIBHAV
RAMESH
JADHAV
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Date: 2024.11.13
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Annasaheb Uttam Kadam

... Petitioner

V/s.

Uttam Sopan Kadam & Ors.

... Respondents

Mr. Vishwanath Talkute with Mr. Graham Francis for
the petitioner.

CORAM : AMIT BORKAR, J.

DATED : NOVEMBER 13, 2024

P.C.:

1. By the impugned order, the Trial Court has rejected an application under Order 26 Rule 9 of the Civil Procedure Code, 1908 in a suit for partition and separate possession. It is well settled that such a relief can only be granted in a suit arising out of dispute of encroachment or boundary dispute. Considering the scope of suit, the rejection of such application by the Trial Court does not suffer from illegality. Hence, the writ petition is dismissed.

2. Pending interlocutory application(s), if any, stand disposed of.

(AMIT BORKAR, J.)