

VRJ

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

WRIT PETITION NO.4648 OF 2018

VAIBHAV
RAMESH
JADHAV
Digitally signed by
VAIBHAV RAMESH
JADHAV
Date: 2024.12.05
16:08:51 +0530

Tukaram Gundyaba Sakore & Ors.	... Petitioners
V/s.	
Saraswati Genubhau Satkar & Anr.	... Respondents

None for the petitioner.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 5, 2024

PC.:

1. By the impugned order, the Trial Court has rejected the petitioners' application under Section 9A and under Order VII Rule 11 of the Civil Procedure Code, 1908 in a suit for partition, declaration and injunction. Considering the fact that the issue involved is mixed question of law and fact, the Trial Court was justified in rejecting the application. Hence, no interference is called for in the impugned order. The writ petition is, therefore, dismissed.
2. However, contention raised by the petitioners regarding maintainability of the suit is kept open to be agitated at the time of hearing of the suit.
3. Pending interlocutory application(s), if any, stand disposed of.

(AMIT BORKAR, J.)