

AGK

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11260 OF 2017

Kalpana Shankar Barawade & Ors. ... Petitioners  
V/s.  
Ananda Mahadeo Jadhav ... Respondent

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Mr. Bhushan Walimbe for the petitioners.

Mr. Shekhar Jagtap with Mr. Sauruchita Choudhary  
i/by J. Shekhar Associates for respondent No.1.

CORAM : AMIT BORKAR, J.

DATED : NOVEMBER 26, 2024

PC.:

1. The plaintiff in a suit for injunction restraining defendant from carrying out construction is challenging judgment and order passed by the Courts below rejecting application for temporary injunction, restraining defendant from carrying out construction over the suit property.
2. The Trial Court, recording an undertaking filed by the defendant stating that in case ultimately the construction is held to be not in accordance with law, he will remove such construction, rejected petitioner's application for temporary injunction. The Appellate Court dismissed the appeal filed against such order.
3. There is no injunction running in favour of the petitioner at

least since 19 July 2017. Moreover, the undertaking filed by the defendant takes care of the apprehension of the petitioner. Hence, no interference is called for.

4. The writ petition is thus dismissed. No costs.

(AMIT BORKAR, J.)