

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9300 OF 2024

Vijay Ramchandra Adke

Petitioner (Orig.
.. Plaintiff)

Versus

Bhaskar Vinayak Mohite and Anr.

Respondents (Orig.
.. Defendants)

-
• Mr. Nagesh Y. Chavan, Advocate for Petitioner.
.....

CORAM : MILIND N. JADHAV, J.

DATE : JULY 23, 2024.

P.C.:

- 1.** Heard Mr. Chavan, learned Advocate for Petitioner.
- 2.** Present Writ Petition takes exception to the impugned order dated 19.04.2024 which is at Exhibit “G” – page No.56 of the Writ Petition.
- 3.** In the present Writ Petition, it is seen that the Suit is of the year 2015 and by virtue of amendment which is proposed by the Plaintiff, Plaintiff desires to include an amendment seeking mandatory injunction. The mandatory injunction sought direction to the Defendants to demolish the construction carried out by the Defendants in the interregnum.

4. It is contended by Mr. Chavan that despite the Exhibit “5” order prevailing, the Defendants breached the Exhibit “5” order and carried out the construction. In that event, the remedy was available to the Plaintiff which he did not exercise.

5. In that view of the matter, after a hiatus of 9 years, this Court cannot come to the assistance any of the Plaintiff and allow the mandatory order of injunction.

6. After I expressed my mind to the learned Advocate for the Petitioner that this Court shall not interfere with the impugned order, Mr. Chavan urged the Court that he needs time to seek appropriate instructions from the Plaintiff.

7. At his request, stand over to **30th July 2024**. To be placed under the caption “**First on Board**”.

[MILIND N. JADHAV, J.]

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