

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

**Writ Petition No.10450 of 2024**

Magan Jivandas Doshi and anr. ... Petitioners

V/s.

Shamdas Madhavdas Doshi and others ... Respondents.

|                                                                                                    |                                           |
|----------------------------------------------------------------------------------------------------|-------------------------------------------|
| Mr. P.S.Dani, Senior Advocate<br>a/w. Nikhil Wadikar i/b. Nandu<br>Pawar                           | Advocate for the Petitioners              |
| Mr. Sugandh Deshmukh a/w.<br>Irvin D'souza a/w. Mr. Aniket<br>Kanawade a/w. Ms. Karishma<br>Shinde | Advocate for Respondent<br>Nos.1,24 to 7. |

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**CORAM : S.M. MODAK, J**

**DATE : 04 December 2024.**

**P.C. :**

Heard learned Senior Advocate Shri Dani for the Petitioners who are defendant Nos.18 and 21. Also heard Shri Deshmukh for the Respondents who are defendant Nos.1 to 7.

2. In a Partition Suit, these petitioners have filed an application seeking temporary injunction against the co-defendants from carrying out the construction in part of suit premises which is larger in nature. Those defendants have failed before the trial Court and also before the appellate Court. That is why the present writ petition.

3. It was asked whether both the sides have filed all the documents which is a part of the trial Court record, they sought time to ascertain this fact. Both are at liberty to file their respective documents by exchanging those with each other.

4. Learned Senior Advocate Shri Dani has expressed some concern about the construction going on at the instance of defendant Nos.1 to 7. He has invited my attention to the photographs at Page No.163.

5. Mr. Deshmukh has invited my attention to the photographs on Page No.159. It shows some construction is going on. According to Mr. Deshmukh the local authority has directed his clients to strengthen the structure, part of which is already demolished. This plea was also taken in the reply filed before the trial Court. He tried to explain the strengthening work which is going on at present with the help of a map. **It is taken on record and marked as 'annexure-X'.** Copy is already served to other side. According to him the strengthening work at present is going on in that part which is described at Sr. No.9 and his clients are not desirous of carrying out strengthening or any repair work in the portion described at Sr. Nos.10 and 11. Mr. Deshmukh submitted that his clients are ready to file the affidavit to that effect.

6. **Let the affidavit be filed within one week in the office and copy be supplied to other side.**

7. Matter be listed on **16 December 2024 for compliance**.  
Additional affidavit-in-reply by the concerned respondents is taken  
on record.

(S.M. MODAK, J.)