

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.14012 OF 2024

Mukund Sitaram Tambe and Ors.

...Petitioners

V/s.

Yashwant Shankar Tambe and Ors.

...Respondents

Mr.Sushil A. Inamdar:-

Advocate for Petitioners.

CORAM : S. M. MODAK, J.

DATE : 11th NOVEMBER 2024

P. C. :-

1. Heard learned Advocate for Petitioners/Defendant Nos.1 to 4.
2. In a Suit for partition filed by Respondent No.1, there is an Application for injunction containing various reliefs. There are several landed properties. The trial Court accepted the plea of the Plaintiffs and enjoined the Defendants. This order is confirmed by the Appellate Court when the Appeal was filed by these Petitioners. The correctness is challenged by way of this Writ Petition.
3. The contention is raised that the Plaintiffs have consented for the construction by these Petitioners, Survey No.134, Hissa Nos.1 and 2.

This is part of Suit land. It is on Page No.27. The contention is, this document is not considered by both the Courts below.

4. At this juncture, stay cannot be granted to the impugned order.
Other side needs to be heard. Issue notice before admission to the Respondents returnable on **2nd December 2024.**

5. Learned Advocate may take instructions as to whether this consent was filed before two Courts below and if yes, then produce necessary documents on the next date.

[S. M. MODAK, J.]