

Iresh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 133 OF 2024

WITH

INTERIM APPLICATION NO. 1887 OF 2024

IN

SECOND APPEAL NO. 133 OF 2024

Madhukar Ramchandrdra Jadhav

.....Appellant

Vs.

Raghunath Ramchandra Jadhav and Ors

.....Respondents

Ms. Preeti Walimbe h/f Mr. Bhushan Walimbe for appellant

Mr. P. D. Dalvi i/b Ms. Kalpesh Patil for respondent no. 2

CORAM : GAURI GODSE, J.

DATE : 3rd JULY 2024

ORDER:

1. Heard learned counsel for the parties. The second appeal is admitted on the following substantial questions of law:

- (i) Whether the appellant is entitled to a decree of injunction as prayed in the suit as the property willed out

by father of the plaintiff is not yet divided and demarcated by metes and bounds.

(ii) Whether the first Appellate Court erred in not modifying the decree of the Trial Court inspite of recording findings on the possession aspect as recorded in paragraph 36 – 39 of the impugned Judgment?

2. Mr. Dalvi waives service for respondent no. 2. In addition to Court notice, appellant to serve rest of the respondents by private notice and file affidavit of service.

3. Call for record and proceedings. Printing is dispensed with.

4. Appellant to file private paper-book within a period of one year.

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5. Rule on interim relief in terms of prayer clauses (a) and (b) is made returnable on 13th September 2024.

6. Mr. Dalvi waives service for respondent no. 2. In addition to Court notice, appellant to serve rest of the respondents by private

notice and file affidavit of service.

7. Till next date, there will be interim relief in terms of prayer clause
- (b). Till next date, status of the revenue entries not to be altered.

[GAURI GODSE, J.]

IRESH
MASHAL

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IRESH MASHAL
Date: 2024.07.05
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