



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

905 WRIT PETITION NO. 4696 OF 2025

Sunanda Ashok Jain And Another
VERSUS
Sanjaykumar Mishrilal Kasliwal And Others

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Advocate for the Petitioner : Mr. D P Palodkar & Khoche S S.
AGP for Respondents 10-12 : Mr. P D Patil
Advocate for Respondents : Mr. Bhale Vikas S For R/4,
Mr. Patil Vaibhav R. For R/8 And 9

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WITH
CIVIL APPLICATION NO. 6039 OF 2025 IN WP/4696/2025

CORAM : S. G. CHAPALGAONKAR, J.

Dated : June 19, 2025

PER COURT :-

1. Heard Mr. Palodkar, learned advocate appearing for the petitioners. After arguing for some time, since an application filed by petitioners for amendment of pleadings is pending in suit, he seeks permission to withdraw present writ petition, with liberty to move afresh with prayer to grant interim injunction after decision on amendment application.

2. In that view of the matter, writ petition stands **dismissed** as withdrawn, however, petitioners shall be at liberty to move a fresh application for injunction, in case, amendment to include pleading and prayers for claim of partition and separate

possession is granted by Trial Court. In that case, the Trial Court may consider the application on its own merits. All contentions are kept open.

3. At this stage, learned advocate appearing for the respondent-Bank submits that, auction in respect of the suit property has been already successfully completed and, in case, petitioners wish to challenge the auction, their remedy lies under Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act). It is made clear that, respondent-bank shall be at liberty to raise such objection before the Trial Court, in case occasion so arises. Pending civil application also stands **disposed of**.

(S. G. CHAPALGAONKAR)
Judge

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