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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2622 OF 2024**

Bhagwan Pandurang Pawar ... Petitioner
VS.
Jagannath Pandurang Pawar and Ors ... Respondents

Mr. Avinash D. Kango for Petitioner.
Mr. Saurabh M. Railkar for Respondent.

**CORAM : GAURI GODSE, J.
DATED : 12th JUNE 2025**

ORDER:

1. Heard learned counsels for the parties. This petition is filed by the original plaintiff to challenge the order passed by the District Court reversing the trial court's order of temporary injunction.
2. The petitioner has filed the suit for injunction restraining the respondents from obstructing the petitioner from carrying out construction in the suit property. Admittedly, there is a suit for partition which is still pending. The petitioner has no exclusive right in respect of the suit property. The appeal court has reversed the trial court order of injunction on the ground that the description of the property is not identifiable in view of the pending dispute in

the earlier suit. The document relied upon by the petitioner to support his claim for carrying out construction which is a measurement map is not accepted for want of any supporting pleadings.

3. It is not in dispute that the petitioner does not claim exclusive ownership on the suit property and that the suit for partition is still pending. The other co-sharers who are party to the partition suit are not made party defendants in the present suit.

4. In view of the aforesaid facts, the reasons recorded by the appeal court in the impugned order cannot be faulted. I do not find any illegality or perversity in the reasons recorded by the appeal court. This is not a fit case to exercise power under Article 227 of the Constitution of India to interfere in the impugned order.

5. Writ Petition is devoid of any merits. Hence, the petition is dismissed.

6. At this stage, learned counsel for the petitioner seeks liberty to file appropriate application for clubbing both the suits to be tried together. The petitioner is at liberty to file appropriate application as permissible in law. If such application is filed, the same to be considered on its own merits.

(GAURI GODSE, J.)