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

WRIT PETITION NO.6694 OF 2021

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Somana Laxman Powar & Ors.

... Petitioners

V/s.

Satuppa Ramchandra Gawada

Alias Patil & Ors.

... Respondents

Mr. Vishwanath S. Talkute for the petitioners.

Mr. Sachin K. Hande for the respondents.

Smt. M. Kajale, 'B' panel counsel for the State.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 6, 2025

P.C.:

1. The petitioners/original defendants are challenging judgment and orders passed by the Courts below granting temporary injunction against the petitioners restraining them from disturbing plaintiffs' possession over the suit property.

2. The order of injunction is in favour of the respondents at least since 1st December 2018. Hence, no interference in the impugned order is called for.

3. At this stage, Mr. Talkute, learned Advocate for the petitioners states that during pendency of the proceedings there is material change in the circumstances as the challenge is pending

before the Consolidation Authorities which forms part of the cause of action of the present suit.

4. It is needless to state that if there is any material change in the circumstances entitling petitioners to invoke power under Order 39 Rule 4 of the Code of Civil Procedure, 1908, notwithstanding dismissal of the instant writ petition, it shall be open for the petitioners to invoke such remedy as is permissible in law.

5. It is also made clear that any observations made in the impugned orders passed by the Courts below shall not influence either the Trial Court while disposing of the suit on merits or the Authorities under the Consolidation Act.

6. With this clarification, the writ petition stands disposed of. No costs.

(AMIT BORKAR, J.)