

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7052 OF 2025**

Sachin Ananda Mane & Anr.Petitioners
Vs.
Shivaji Sakharam Mane & Ors.Respondents

Mr. Ishaan Kapse, for the Petitioners.
Mr. Abhijit Adagule, for the Respondents.

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 11th DECEMBER 2025

P.C.:-

1. The present Writ Petition takes exception to order dated 7th February 2025 passed by District Judge-4, Kolhapur in Miscellaneous Civil Appeal No.247 of 2024, thereby order passed by learned Civil Judge, Junior Division, Kolhapur below Exhibit 5 in Regular Civil Suit No.56 of 2024 was modified and application Exhibit 5 was allowed. Further, Petitioners/defendants were temporarily restrained from making construction on suit property, i.e., 10 feet width road situated on eastern side of Gat No.548.

2. It is informed that during pendency of Miscellaneous Civil Appeal, defendant has made construction over 10 feet wide road. In

result, prayers in suit needs to be amended and relief of mandatory injunction is required to be claimed.

3. In view of aforesaid development, Petitioners, on instructions, seeks permission to withdraw present Writ Petition. Permission granted.

4. The Writ Petition is disposed of as withdrawn, with liberty as prayed for.

5. All contentions of parties are kept open, to be considered in suit.

(S. G. CHAPALGAONKAR, J.)

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