

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6145 OF 2025

Malhar Sakhar Karkhana Limited

Through Its Chairman

Kashinath Kisan Devkate & Anr.

.....Petitioners

Vs.

Suresh Ganpat Shinde & Ors.

.....Respondents

Mr. Shrikrishna Ganbavale with Mr. Kunal Nalwade, Mr. Ashirwad Kolekar and Ms. Shruti Jadhav i/b Shantanu Patil, for The Petitioners.

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 13th November 2025

P.C.:-

1. The present Writ Petition takes exception to order dated 18th February 2025 passed by District Judge, Malshiras in Civil Miscellaneous Application No.66 of 2023. The Petitioners are Original Defendants in Regular Civil Suit No.4 of 2023, which was instituted by Respondents seeking decree of partition, separate possession and injunction.

2. The Trial Court, after considering contentions of respective parties, passed a Judgment and Decree dated 1st September 2023,

thereby restraining Defendant Nos. 5 and 6 from interfering or obstructing joint possession of Plaintiffs and Defendant Nos.1 to 4 over suit property. The aforesaid decree is subjected to Appeal by Petitioners before District Judge at Malshiras. Since there was a delay of about 9 days in filing Appeal, Miscellaneous Application No.66 of 2023 is filed for condonation delay.

3. In this background, Petitioners moved an Application for grant of police protection, contending that there would be a law and order problem on spot because of impugned order. The Appellate Court refused to entertain said Application vide impugned order dated 18th February 2025. The Petitioners are aggrieved by aforesaid order passed below Exhibit-16.

4. Apparently, substantive Appeal along with Application for delay condonation filed by Petitioners is pending before District Judge at Malshiras. In that view of matter, without delving into merits of contentions, an innocuous order can be passed directing District Judge to expeditiously consider and decide Application filed by Petitioner for condonation of delay on next date of hearing i.e. on 26th November 2025. The Petitioners shall also be at liberty to file an Application for stay/injunction to impugned Judgment and Decree

passed by Trial Court, if so advised. If such Application is filed, Appellate Court shall endeavor to expeditiously consider and decide same, in view of peculiar facts of case particularly, when several criminal complaints have been filed by parties against each other and there is a disturbance of peace at the spot.

5. In that view of matter, Writ Petition stands disposed of.

6. The District Judge to consider and decide Miscellaneous Civil Application No.66 of 2023 on next date of hearing stated to be 26th November 2025 and endeavour to expeditiously decide Application for stay or injunction if filed by Petitioners.

(S. G. CHAPALGAONKAR, J.)