

VRJ

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

WRIT PETITION NO.5686 OF 2021

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Girish Gunvantrao Chavan

... Petitioner

V/s.

Rajaram Gajanan Shinde & Ors.

... Respondents

Mr. Mandar Limaye for the petitioner.

Mr. Balwant V. Salunkhe for the respondents.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 6, 2025

P.C.:

1. The petitioner-original plaintiff in a suit for declaration and injunction who filed an application for temporary injunction restraining the defendants from creating third party rights and not to disturb his possession over the suit property.

2. The Trial Court, by impugned order dated 16 February 2021, rejected the petitioner's application which order has been confirmed by the Appellate Court by order dated 30 April 2021. With the result, at least since 16 February 2021 there is no injunction in petitioner's favour. Hence, no interference in the impugned judgment and orders is called for. The writ petition is dismissed.

3. However, all contentions raised by the petitioner are kept

open to be agitated at the time of hearing of the suit. The Trial Court shall decide the suit on its own merit uninfluenced by the observations made by the Trial Court and the Appellate Court in the impugned judgment and orders.

(AMIT BORKAR, J.)