

Shabnoor

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

WRIT PETITION NO.9636 OF 2023

Hindurao Rajaram Pawar	... Petitioner
V/s.	
Shalan Shivaji Chougule	... Respondent

Mr A. Y. Sakhare, Sr. Advocate i/by Mr. R. S. Mirapury
for petitioners.

Mr. Kishor Patil i/by Mr. Pratik B. Rahade for
respondent No.1.

Mr. Vivek B. Rane for respondent Nos.2A to 2F.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 21, 2025

P.C.:

1. The Courts below by the impugned judgment and orders have rejected petitioners' application for temporary injunction restraining the defendants from creating third party rights in a suit property enforcing right of pre-emption under Section 22 of the Hindu Succession Act, 1956.
2. The Courts below have recorded prima faice findings that the petitioners not being class I heirs, they are not entitled to the benefit of Section 22 of the Hindu Succession Act, 1956. Prima facie, no case is made out for interference with the findings recorded by the Courts below.

3. It is made clear that the Trial Court shall decide the suit on its own merits uninfluenced by the observations made in the impugned judgment and orders. The writ petition stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)