



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.10092 OF 2024**

Dattatray Dashrath Das	...	Petitioner
versus		
Mahavir Gopinath Das (deceased) through legal heirs – Mangal Mahavir Das and Ors.	...	Respondents

Mr. Dilip Bodake, for Petitioner.
Mr. Ashish Sawant, for Respondents.

CORAM: N.J.JAMADAR, J.

DATE : 17 MARCH 2025

P.C.

1. Heard the learned Counsel for the parties.
2. The challenge in this Petition is to a judgment and order dated 25 April 2024 passed by the learned District Judge in Misc. Civil Appeal No.72 of 2021, whereby the appeal preferred by the Respondents – original Defendants, against the order dated 23 October 2021 passed by the learned Civil Judge restraining the Defendants from causing obstruction to the Plaintiff's possession over the piece of land admeasuring 46R out of Gat No.285/2 till the final disposal of the suit, came to be allowed by setting aside the order passed by the trial Court.
3. After the matter was heard for sometime, the learned Counsel for the parties, on instructions, submit that the Petition may be disposed of by making the following arrangement till the final disposal of the Suit :

(i) Defendant No.2 shall not carry out construction in the suit premises.

(ii) The parties shall maintain status quo as it obtains today till the final disposal of the suit.

4. The Writ Petition accordingly stands disposed with the aforesaid workable arrangement till the final disposal of the suit.

5. The learned Civil Judge seized with RCS No.989 of 2020 is requested to make an endeavour to hear and decide the said Suit as expeditiously as possible, on its own merits and in accordance with law, without being influenced by the observation in the order on the application for temporary injunction as well as the order passed by the appellate Court.

(N.J.JAMADAR, J.)