

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12873 OF 2024**

Narayan Eknath JadhavPetitioner

Vs.

Vinayak Lodge,
A Partnership Firm & Ors.Respondents

Mr. I. M. Khairdi, for the Petitioner.

Mr. Shivam Walekar, i/b. Mr. Samir Kumbhakoni, for the
Respondents.

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 13th NOVEMBER 2025

PC.:-

1. The present Writ Petition takes exception to order dated 12th January 2024 passed by Additional District Judge, Solapur in Miscellaneous Civil Appeal NO.61 of 2019, thereby upsetting order passed by learned Civil Judge, Senior Division, Solapur below Exhibit 5 in special Civil Suit NO.206 of 2018.

2. The Petitioner is plaintiff in Special Civil Suit No.206 of 2018 which has been instituted for rendition of account and challenging the family settlement dated 20th August 2016. The Petitioner has also sought injunction against defendants to not to change nature of suit

property or create third party interest. The trial Court after considering rival submissions allowed plaintiff's application and restrained defendants from creating third party interest in respect of suit property. The Appellate Court disturbed aforesaid order and rejected Petitioner's application filed below Exhibit 5.

3. Heard learned Advocate appearing for respective parties.

4. The perusal of record shows that dispute pertains to Municipal House No.2/9, which is used for hotel and lodging business under name and style as 'Vinayak Lodge'. The Petitioner and Respondents are family members. The firm namely 'Vinayak Lodge' was in operation and it was established by father of Petitioner. There is registered partnership amongst members of family. The Petitioner apprehends that suit property is likely to be sold or third party rights are likely to be created in suit property during pendency of suit. Therefore, he sought order of temporary injunction. Although, trial Court granted temporary injunction, the Appellate Court observed that if the property standing in the name of 'Vinayak Lodge' through its partners namely plaintiff and defendants, there cannot be transfer of the same, unless and until all partners consent for it. The

Appellate Court has rightly observed that apprehension raised by plaintiff that there is likelihood of creation of third party interest is not well founded.

5. In result, the Appellate Court set side order passed below Exhibit 5. This Court do not find any reason to interfere in the impugned order in light of observations made therein. However, it would be in the interest of parties if the suit itself is taken up for hearing and disposed of at the earliest. Hence, the following order:

ORDER

- i) The Writ Petition stands rejected.
- ii) The learned Civil Judge, Senior Division, Solapur shall expeditiously decide the suit and in any case, within a period of one year from date of this order.
- iii) Parties to cooperate for early disposal of suit.

(S. G. CHAPALGAONKAR, J.)