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

WRIT PETITION NO. 255 OF 2011

Tejraj Devichand Lalwani

.. Petitioner

Versus

Sunanda Sunil Parandkar & Ors.

.. Respondents

Ms. Ishaan Kapse for petitioner.

Mr. Sandeep S. Salunke for respondent nos.1 and 2.

CORAM: ALOK ARADHE, CJ.

DATE: 21st JULY, 2025

ORAL ORDER:

1. In this petition filed under Article 227 of the Constitution of India, the petitioner/plaintiff has assailed the validity of the order dated 27th October, 2010 passed in Regular Civil Suit No. 735 of 2010 by which the trial Court instead of deciding the application for temporary injunction filed by the petitioner has directed appointment of the Civil Engineer, Barashi Municipal Council to inspect and report the condition of the suit property.

2. Learned counsel for the petitioner submits that in the absence of any prayer in the application, the trial Court ought not to have *suo moto* appointed the Commissioner and should have decided the application for temporary injunction preferred by the petitioner. The fact that the prayer of the temporary injunction application does not contain any prayer

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for appointment of Commissioner has not been disputed by the learned counsel for the respondents.

3. In view of the aforesaid submission and taking into account the fact that the civil suit was instituted in the year 2010 and the impugned order was stayed by a Bench of this Court on 24th June, 2011, I deem it appropriate to quash and set aside the same and direct the trial court to decide the application for temporary injunction, if pending, after hearing the parties. The trial court shall also expedite the hearing of the suit.

4. Accordingly, the writ petition is disposed of.

(CHIEF JUSTICE)