

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11935 OF 2024

Kuber Sopan Kadam

.....Petitioner

Vs.

Anita Sandipan Raut & Anr.

.....Respondents

Mr. Surel Shah senior counsel with Mr. Saakshat Relekar, for the
Petitioner.

Mr. Manoj Patil, for Respondents.

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 9th October 2025

PC:-

1. Heard Mr. Surel Shah, learned senior counsel appearing
for Petitioner.

2. Mr. Surel Shah, points out that Petitioner acquired
ownership of suit properties pursuant to four different registered
sale deeds executed by Sandipan. The Petitioner has been put into
possession of suit property, and mutation entries have been effected
on basis of sale deeds.

3. In this background, when Defendants obstructed
possession of Petitioner, present suit came to be instituted along with

an application for temporary injunction. Trial Court was pleased to grant an injunction against Defendants, thereby protecting possession of Petitioner. However, Appellate Court reversed said order and rejected application. He would, therefore, urge that possession of Petitioner needs to be protected.

4. Learned counsel appearing for Respondents vehemently opposed prayer for grant of interim relief. According to him, Sandipan had no right to transfer specific share of joint family property and put purchaser into possession of suit property.

5. He would invite attention of this Court to statement of son of Petitioner recorded before Police Officer on 3rd June 2022, which depicts that Petitioners son admitted that possession of property was continued with Respondent.

6. Having considered submissions advanced by learned Advocates appearing for respective parties, *prima facie*, it can be observed that Sandipan was lawful owner of suit property. He executed sale deed in favour of Petitioner. The Sale Deed specifically stipulates about handing over of possession to Petitioners. The mutation entries supports case of Petitioner that he was put into possession and continued to be in possession till this date. The

Appellate Court rejected Petitioners contention on the ground that, Petitioner cannot assert claim on specific share of undivided joint family property, without looking to fact that Sandipan was karta of joint family, hence possessed power to deal with property. The sale transaction is not invalid.

7. In this background, issue notice to Respondents returnable on **27th November 2025**. Mr. Manoj Patil accepts notice for Respondents.

8. Till then, there shall be ad interim relief in terms of prayer clause (d) .

(S. G. CHAPALGAONKAR, J.)