

*Shabnoor*

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.912 OF 2024

Vardhaman Mohanlal Khabiya & Ors. ... Petitioners  
V/s.  
Gulab Papabhai Hawaldar & Ors. ... Respondents

Mr. Sudhir Sadavarte for petitioners.

Mr. Jaydeep Deo for respondents.

Ms. Dhruti Kapadia, AGP for State.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 22, 2025

P.C.:

1. *Respondent Nos.1 to 17* filed a suit for seeking declaration that the measurement registration bearing No.15430/2022 be declared as illegal and, further injunction restraining defendant No. 6 from sanctioning the map in furtherance of the said measurement, and restraining defendant Nos.1 to 4 from construction over Sr. No.279 *without measurement as per consent of owners of Survey Nos. 279/1 and 279/2* is also sought.

2. In the said suit, *respondent Nos.1 to 17* filed an application for temporary injunction restraining defendant No.6 from sanctioning the map in furtherance measurement No.15430/2022. The injunction is further sought restraining *defendant Nos. 1 to 4* from constructing over Survey No.279.

3. In the said suit, *the Trial Court rejected the application for temporary injunction and the Appellate Court passed following order:*

**“ORDER**

*1] The appeal stands allowed.*

*2] The plaintiffs and the defendants are directed to maintain status-quo in respect of title, nature of the land till judgment in R.C.S.No.768/2023.*

*3] The Suit R.C.S.No.768/2023 be decided within six (6) months.*

*4] Costs into cause.”*

4. The learned Advocate for the petitioner submits that the petitioners’ property is not suit property *as admittedly the petitioners are owners of land bearing Survey No. 279/2 admeasuring 98 ares which is not shown as the subject matter of the suit in the schedule of the plaint.*

5. It is, therefore, clarified that clause (2) of the order dated 9th November 2023 is restricted relating to the suit property. Only with this clarification, the writ petition stands disposed of.

**(AMIT BORKAR, J.)**

**Note:-** This order is modified as per order dated 24 January 2025. Corrections are shown in italicize.