

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4148 OF 2024

Prakash Govind Sankhe And Ors.

...Petitioners

Versus

The State of Maharashtra and Ors.

...Respondents

Mr. V.A. Gangal a/w Shweta Parab, Advocate for the Petitioners.

Mr. S.B. Kalel, Assistant Government Pleader for the Respondent Nos. 1 to 4/State.

**CORAM : A.S.CHANDURKAR AND
M.M. SATHAYE, JJ.**

DATE : 6th FEBRUARY 2025

SNEHA
NITIN
CHAVAN

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by SNEHA
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Date: 2025.02.06
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P.C. :

1. The petition is filed for seeking following reliefs.

“A. This Hon'ble court be pleased to call record and proceeding of Regular Civil Suit No. 139 of 2021 pending in the court of Justice J.D. Palghar filed by Respondent Smt. Thakibai Rama Bhutkade and two others and issue writ of Certiorari and any other appropriate writ order and direction to quash and set said suit and all further proceedings therein.

B. Pending hearing and final disposal of the above writ petition hearing and all further proceeding of the above Regular Civil Suit No.139 of 2021 in the Court of Civil Judge, Junior Division, Palghar be stayed.

C. Interim and Ad-interim relief in term of above prayer B above be granted.

D. The Respondent be ordered directed to pay the cost of this petition.

E. Interim and Ad-Interim of above term be granted.”

2. Considering the nature of reliefs sought, especially prayer clause (A) in the Writ Petition, it will be open for the Petitioners to file an application under provision of Order VII Rule 11 of the Code of Civil Procedure, 1908, if they seek to contend that the aforesaid suit as filed, is not maintainable.

3. With the aforesaid liberty and keeping all law points open, the Writ Petition is disposed of, as not entertained.

(M.M. SATHAYE, J.)

(A.S.CHANDURKAR, J.)