

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO. 14180 OF 2024**

Baliram Baburao Kokane

..Petitioner

**Versus**

Shriram Baburao Kokane & Ors.

...Respondents

Mr. Shailendra Kanetkar a/w Vishwas R. K., for the Petitioner.  
Mr. Atul Damle, Senior Advocate, a/w Vaibhav Ugle, for  
Respondent Nos. 3C, 3D-1,2&3 & 3E.

**CORAM: N. J. JAMADAR, J.**

**DATE : 28<sup>th</sup> NOVEMBER 2025**

**P.C.:**

1. Heard the learned Counsel for the parties.
2. The challenge in this petition is to an order dated 19<sup>th</sup> July, 2024 passed by the learned District Judge, 15, Pune on an application (Exh. 85) in Miscellaneous Civil Appeal No. 278/2023 purportedly filed under the provisions of Order XLI Rule 27 of the Code of Civil Procedure, 1908.
3. The Miscellaneous Civil Appeal No. 278/2023 has been preferred by the petitioner/original Defendant No. 3 against an order passed by the learned Civil Judge on an application (Exh.

175) for temporary injunction under the provisions of Order XXXIX Rule 1 & 2 of the Code. By the said order, the Trial Court rejected the application preferred by the petitioner.

4. In the appeal, the Respondent Nos. 3C, 3D-1, 2 & 3 and 3E preferred the application seeking production of the documents. By the impugned order, the learned District Judge was persuaded to allow the application.

5. Since the application for temporary injunction (Exh. 175) was rejected by the Trial Court and in the appeal preferred by the petitioner/applicant against the said order, the learned District Judge allowed the production of documents, it would be appropriate that, those documents are considered by the Trial Court in the first instance.

6. Hence, with the consent of the parties, the order passed by the Trial Court on the application (Exh. 175) stands quashed and set aside and the application for temporary injunction (Exh. 175) is remitted back to the Trial Court for a fresh decision on merits.

7. Consequently, the Miscellaneous Civil Appeal No. 278/2023, pending before the learned District Judge also stands disposed as having been rendered infructuous.

8. The documents which the Respondent Nos. 3C, 3D-1, 2 & 3 and 3E sought to produce before the Appellate Court be considered by the Trial Court, subject to all objections which may be raised by the petitioner/applicant in application (Exh. 175).

9. The Trial Court, however, shall not be influenced by any of the observations made by the District Judge in the impugned order.

10. The petition stands disposed.

**[N. J. JAMADAR, J.]**