

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7843 OF 2024

SANTOSH
SUBHASH
KULKARNI

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Date: 2025.03.21
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Balu Sataba Tupat and ors. ...Petitioners

Versus

Ishan Umesh Gunjati since minor through
his natural guardian and ors. ...Respondents

AND

WRIT PETITION NO. 14742 OF 2024

Balu Sataba Tupat and ors. ...Petitioners

Versus

Ishan Umesh Gunjati since minor through
his natural guardian and ors. ...Respondents

Mr. Utkarsh Desai, i/b Prashant Bhavake, for the Petitioners
in Both WP.

Ms. Dhruti Kapadia, AGP for the State/Respondent No.4 in
WP/7843/2024.

Ms. Kavita Solanki, AGP for the State/Respondent No.4 in
WP/14742/2024.

CORAM: N. J. JAMADAR, J.

DATED: 19th MARCH, 2025

PC:-

1. Heard the learned Counsel for the petitioners.
2. These petitions arise out of an order dated 5th January, 2024 passed by the learned District Judge, Gadhinglaj, whereby the orders passed by the learned Judge, City Civil Court, on 3rd April, 2023 granting injunction in favour of the petitioners and rejecting the application for injunction preferred by the respondents came to be set aside and the

petitioners have been restrained from causing obstruction to the possession of the plaintiffs over the suit property till the decision of the suit.

3. An arguable question, as to whether the learned District Judge could have interfered with the discretionary order passed by the trial court, arises for consideration.

4. Issue notice to the respondents, for final disposal, returnable on 23rd April, 2025.

5. The learned AGP waives notice for respondent No.4 – the State.

6. The learned Counsel for the petitioners undertakes to serve copy of the petition on the State during the course of the day.

7. In addition to notice through Court, the petitioners are at liberty to serve respondent Nos.1 to 3 by private service and file an affidavit of service.

[N. J. JAMADAR, J.]