

MJ Jadhav

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO. 3 OF 2025
WITH
INTERIM APPLICATION NO. 33 OF 2025
IN
APPEAL FROM ORDER NO. 3 OF 2025**

Bapu Narayan Romane ... Appellant/Applicant
vs.
State of Maharashtra and Anr. ... Respondents

Mr. Abhijit Singh for the Appellant/Applicant.

Mr. D. J. Haldankar, AGP for the State.

CORAM : GAURI GODSE, J.

DATED : 12th MARCH 2025

ORDER :-

1. This appeal is preferred by the plaintiff to challenge refusal of grant of ad-interim relief. The relief is refused as the plaintiff is unable to show any, prima facie, right to retain the possession over the suit property, which is situated on a highway. The notice of motion is still pending in the City Civil Court. The defendants have not yet filed any reply. Hence, any observation by this Court at this stage is likely to prejudicially affect the rival contentions of the parties on merits.

2. I therefore do not find it appropriate to record any further reasons. Considering the nature of the claim made by the plaintiff, the payers in the notice of motion cannot be examined without any reply by the respondents. There is no case made out for grant of ad-interim relief. The appeal is, therefore, dismissed.

3. It is clarified that all contentions of both the parties on merits are kept open.

4. The notice of motion shall be decided on its own merits uninfluenced by the impugned order or any observations made in this order.

5. In view of the disposal of the appeal, interim application is disposed of as infructuous.

(GAURI GODSE, J.)