



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO.83 OF 2025
(WRIT PETITION NO._____ OF 2025)**

Shrikant Bhau Satvekar and Anr. ... Petitioners
versus
Sangli Miraj Kupwad City Corporation ... Respondent

Mr. Murtuza Nazmi i/by Mr. Rohan A. Waghmare, for Petitioners.
Mr. Vikram N. Walawalkar i/by Ms. Iqra Qureshi, for Respondent.

CORAM: N.J.JAMADAR, J.

DATE : 18 FEBRUARY 2025

P.C.

1. Heard the learned Counsel for the parties.
2. The challenge in this Petition is to judgment and order dated 14 February 2025 passed by the learned District Judge in Misc. Civil Appeal No.128 of 2023 whereby the learned District Judge was persuaded to allow the appeal preferred by the Respondent No.1 – Corporation and set aside the order of temporary injunction granted by the Civil Judge, Miraj on 3 May 2023.
3. Learned Counsel for the Petitioners submitted that the houses of the Petitioners are situated on 2000 sq. meters area, over the possession of which, by the Petitioners, there is no dispute. Respondent - Corporation has alleged that the Petitioners and other occupants have committed encroachment over the land, over and beyond the said 2000 sq. meters area. The appeal Court allowed the appeal on 14 February 2025 and immediately

on the next day i.e. 15 February 2025, an action of demolition of the structures standing on the suit property has been commenced. It is, therefore, necessary to pass an ad-interim order, lest the Petitioners would suffer an irreparable loss.

4. Learned Counsel for Respondent No.1 – Corporation opposed the prayer for ad-interim relief. It was submitted that there were various rounds of litigation between the parties, and the challenge of the Petitioners and other similarly circumstanced claimants has been repelled upto the Supreme Court. According to his instructions, Respondent No.1 has not touched the house premises of the Petitioners and the action of removal of encroachment is complete upto 95%.

5. The order of temporary injunction was passed by the trial Court on 3 May 2023. The injunction came to be vacated by the impugned order dated 14 February 2025.

6. It seems there is a dispute about the exact location of 2000 sq. meters area which is allegedly in possession of the Petitioners and other occupants. The Court cannot loose sight of the fact that the order of injunction granted by the trial Court was in operation from May 2023 till 14 February 2025. The said order was set aside by the Appeal Court.

7. In this backdrop, whether the learned District Judge was justified in reversing the discretionary order passed by the trial Court warrants

consideration.

8. Issue notice to the Respondents, returnable on 25 February 2025.
9. Mr. Walawalkar, learned Counsel waives service on behalf of the Corporation.
10. In the meanwhile, the Respondent – Corporation shall not take further action of demolition.
11. Respondent No.1 is at liberty to file an affidavit in reply on or before 24th February 2025.
12. By a separate order, this Revision Application has been permitted to be converted into a Writ Petition.
13. Amendment has been carried out.
14. For the present, this order be uploaded in CRA No.83 of 2025.

(N.J.JAMADAR, J.)