

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2619 OF 2025**

Akash Popat Gaikwad

..Petitioner

Versus

Deepak Kumarpal Vakharya & Anr

...Respondents

Mr. R. M. Haridas, i/b Thengal S, for the Petitioner.

CORAM: N. J. JAMADAR, J.

DATED : 26th FEBRUARY 2025

P.C.:

1. Heard learned Counsel for the petitioner.
2. The challenge in this Petition is to an order dated 16th November 2024 passed by the learned District Judge, Kolhapur, in MCA No. 125 of 2024 whereby an Appeal preferred by the Petitioner came to be dismissed affirming an order dated 13th March 2024, passed by the learned Civil Judge, Junior Division, Kolhapur, whereby the petitioner-defendant has been restrained from carrying out construction in the suit property and create any encumbrance on the suit property till the final disposal of the suit.

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3. Essentially, the dispute between the parties appear to be about the identity of the properties which have been purchased by the petitioner under a registered Sale Deed.

4. In this view of the matter, the learned Counsel for the petitioner seeks leave to withdraw the petition with liberty to file an application before the Trial Court to have a joint measurement of the properties, purportedly acquired by the petitioner and the respondents. The learned Counsel also prays for direction for expedited disposal of the Suit.

5. The Petition stands disposed of as withdrawn.

6. The petitioner is at liberty to file an application before the Trial Court to have a joint measurement of the properties acquired by the petitioner and the respondents.

7. In the event such an application is filed, the learned Civil Judge, shall decide the said application on its own merits and in accordance with law.

8. Having regard to the nature of the controversy, the learned Civil Judge is also requested to hear and decide the suit as expeditiously as possible and preferably within a period of one year from the date of settlement of issues.

[N. J. JAMADAR, J.]