IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4500 OF 2025

Sudesh Keshav Gamre and Anr. … Petitioners

V/s.

Sandesh Keshav Gamre and Ors. … Respondents

Sumit Kothari, for the Petitioner.

CORAM : N.J. JAMADAR, J.

DATE : 7TH APRIL 2025.

PC:

1. Heard the learned counsel for the petitioner.

2. At the outset, the learned counsel for the petitioner, seeks leave to amend the petition so as to correct the cause title of the petition in accordance with the draft amendment handed in.

3. Leave granted.

4. Necessary amendment in accordance with the draft amendment handed in and 'marked-X' be carried out forthwith.

5. Re-verification is dispensed with.

6. An arguable question as to whether a mandatory injunction to hand over possession of the suit property, at an interim stage, in the absence of prayer for the mandatory injunction, could have been

granted, arises for consideration.

7. Issue notice to the respondent nos. 1, 2 and 5 to 7, for final disposal, returnable on 16th June 2025.

8. In addition to the court notice, the petitioners are at liberty to serve the respondent nos. 1, 2 and 5 to 7 by private service and file an Affidavit of Service.

9. Stand over to 16th June 2025.

10. In the meanwhile, there shall be ad-interim relief in terms of prayer clause (d).

(N.J. JAMADAR, J)