

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5788 OF 2025

Gopal Sharma ... Petitioner
V/s.
Sulochana Satyanarayan Sharama ... Respondents
and Ors.

Mr. Kayval Shah, for the petitioner.

CORAM : N.J. JAMADAR, J.
DATE : 6th MAY 2025.

Digitally
signed by
VARSHA
DEEPAK
GAIKWAD
Date:
2025.05.13
11:23:28
+0530

PC:

1. Heard learned counsel for the petitioner.
2. The challenge in this petition is to an order dated 25th January 2025, passed by the learned Civil Judge, Vasai on an application seeking the defendant to submit account and the details of the rent collected by the defendant and also deposit the amount of rent falling to the share of the plaintiff.
3. The Trial Court was of the view that, the entitlement of the plaintiff, in the suit property, was yet to be established and, therefore, the application did not deserve consideration at that stage.
4. The petitioner has instituted the suit for partition and separate possession of his 1/7th undivided interest in the suit property.
5. The defendants have contested the suit, inter alia, disputing the

title of the plaintiff over the suit property and asserting that the defendant no. 1 is the absolute owner of the suit property.

6. In the backdrop of the aforesaid nature of the dispute, the learned Civil Judge was justified returning a finding that the plaintiff has to first establish his title, and entitlement to have his 1/7th share in the suit property. In any event, if the plaintiff succeeds in establishing his undivided 1/7th right, title and interest in the suit property, the Court can pass an appropriate order for enquiry into mesne profit. The Civil Judge was, thus, justified in rejecting the application.

7. The petition stands disposed.

8. The Trial Court in Suit No.140 of 2012 stands expedited.

(N.J. JAMADAR, J)