

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6062 OF 2025**

Shrichand Shamandas Aswani ..Petitioner

Versus

The State of Maharashtra & Ors ...Respondents

Mr. Surel Shah, with Minal Chandnani & Rajesh Ranglani, for the
Petitioner.

Smt. Vaishali Nimbalkar, AGP, for Respondent No.1-State.

CORAM: N. J. JAMADAR, J.

DATE : 15th DECEMBER 2025

ORDER:

1. Heard Mr. Surel Shah, the learned Senior Advocate for the
Petitioner and Smt. Vaishali Nimbalkar, the learned AGP, for Respondent
No.1-State.

2. The challenge in this Petition is to a judgment and order dated 8th
July 2024 passed by the learned District Judge, Pune in MCA No. 184 of
2022, whereby the Appeal preferred by the Petitioner-original
Defendant Nos. 5 to 8 against an order dated 4th May 2022 restraining
the Petitioner-co-Defendant from alienating, transferring or creating
third party interest in the suit properties till the disposal of the Suit,
came to be dismissed.

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3. Mr. Surel Shah, the learned Senior Advocate for the Petitioner submitted that the Plaintiff who is the daughter of Tukaram Bhondve, who had executed various instruments alongwith the Defendant Nos. 1 and 2, has not challenged those instruments in favour of the predecessor-in-title of the Defendant Nos. 5 to 8 in respect of the suit properties described in paragraph 1A of the Plaint. In fact, to few of the instruments, the Plaintiff is a party. A spacious explanation was offered that without disclosing the true import of the documents, the Plaintiff was made to execute the documents. Thus, the Courts below were not justified in granting the injunction, urged Mr. Surel Shah.

4. From the perusal of the material on record, it becomes evident that the Respondent No.1-Plaintiff has instituted a Suit for partition and separate possession of her share in the suit properties, with the assertion that the suit properties are the ancestral properties.

5. It was the case of the Defendants that the suit property described in paragraph 1A was self-acquired property of Tukaram Bhondve.

6. The Courts below have taken a view that whether the suit properties was self-acquired of Tukaram Bhondve is a matter for adjudication at the trial. There was material to show the existence of the joint family nucleus. The Defendants have entered into multiple transactions in respect of the suit properties, even during the pendency of the suit. It was, therefore, necessary to restrain the Defendants from

alienating or otherwise creating third party interest in the suit property till the disposal of the suit.

7. The exercise of discretion by the Courts below on the aforesaid consideration appears justifiable. This Court, in exercise of supervisory jurisdiction, does not find any justifiable reason to entertain the Petition against concurrent *prima facie* findings of facts. Neither a patent error of law nor exercise of discretion against the settled principles of law, is manifest.

8. Thus, the Petition does not deserve to be entertained.

9. The Petition accordingly stands dismissed.

[N. J. JAMADAR, J.]