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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10639 OF 2025

Sandip Sudhakar GhatkarPetitioner

Vs.

Chief Officer Yeola Nagar ParishadRespondent

Mr. Sujay S. Palshikar for the petitioner

CORAM : GAURI GODSE, J.

DATE : 4th AUGUST 2025

ORDER:

1. Not on board. Taken on the production board.
2. Heard learned counsel for the petitioner. This petition is filed by the plaintiff to challenge the order refusing grant of interim relief during the pendency of the Miscellaneous Appeal before the District Court.
3. In petitioner's suit for simpliciter injunction, the prayer for interim relief is rejected. Hence, the petitioner has filed Miscellaneous Appeal before the District Court. Pending Miscellaneous Appeal, the petitioner filed an application restraining the respondent from carrying out any construction

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outside the plaintiff's property on the Western side.

4. I have perused the plaint. The plaint is bereft of any statement that the respondent is carrying out any construction on the plaintiff's property. The interim application in this simpliciter suit for injunction is rejected by the Trial Court on 7th May 2025. Against this order, a substantive Miscellaneous Civil Appeal is still pending before the District Court. Hence, at this stage, I do not see any reason to grant ex-parte injunction as pressed by the learned counsel for the petitioner. The issues raised by the petitioner in this petition are yet to be examined and adjudicated in a substantive appeal pending before the District Court. I have perused the impugned order. The impugned order records that based on the permissions granted, construction is sought to be made by the respondent.

5. Learned counsel for the petitioner vehemently argues for ex-parte injunction restraining the respondent from carrying out any construction. Considering the pleadings in the plaint and the nature of interim relief prayed for restraining the respondent from carrying out the construction on the property; admittedly, does not belong to the petitioner. I, therefore, do not see any reason to interfere with the impugned order. In view of the

aforesaid facts, there is no reason to exercise discretionary jurisdiction under Article 227 of the Constitution of India to interfere with the impugned order.

6. The petition is devoid of any merits. Hence, the petition is dismissed.

7. It is clarified that the Miscellaneous Civil Appeal pending before the District Court shall be decided on its own merits, uninfluenced by the impugned order or this order.

[GAURI GODSE, J.]