

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.13615 OF 2025**

Vishwanath Rangrao Gutthe ... Petitioner
versus
Omprakash Rangrao Bhujang and Ors. ... Respondents

Mr. Shailesh Kharat with Mr. Vishwajeet Nimbalkar, for Petitioner.

CORAM: N.J.JAMADAR, J.

DATE : 6 NOVEMBER 2025

P.C.

1. Heard the learned Counsel for the Petitioner.
2. The challenge in this Petition is to a judgment and order dated 19 November 2024 passed by the learned District Judge, Khed-Rajgurunagar in Misc. Civil Appeal No.11 of 2024, whereby the appeal preferred by the Petitioner against an order of rejection of the prayer of temporary injunction passed by the trial Court dated 18 December 2023 in RCS No.370 of 2023 came to be dismissed.
3. The Petitioner-Plaintiff claims to be the legatee to whom the suit premises was bequeathed by late Putalabai, under a Will. The said Will has been probated. Subsequently, Defendant No.1, who is the son of late Putalabai, got his name mutated to the record of rights of the suit property and executed the sale deed in favour of Defendant Nos.2 and 3.
4. The Courts below have recorded that the Petitioner-Plaintiff was not in

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possession of the suit property. And, there has been suppression of facts as well.

5. Learned Counsel for the Petitioner submitted that, though it is a case of the Petitioner that he has been forcibly dispossessed, yet, Defendant Nos.2 and 3 are carrying out construction over the suit property and the Plaintiff would suffer serious prejudice in the event the suit is decreed. It is submitted that the Will and the Probate have not been assailed in any proceeding.

6. Since the courts below have recorded concurrent prima facie findings of fact that the petitioner is not in possession of the suit property, in exercise of the writ jurisdiction, this Court does not find any justifiable reason to entertain the prayer for grant of temporary injunction.

7. So far as the grievance of the petitioner that, if the injunction is not granted, the nature of the suit property would be materially altered to the prejudice of the Petitioner, can be addressed by providing that the development over the suit property shall be subject to the outcome of the suit.

8. Having regard to the nature of the controversy and the fact that the Probate has been granted in favour of the Petitioner, the Court also considers it expedient to request the learned Civil Judge to hear and decide the suit as expeditiously as possible.

9. The development over the suit property shall be subject to the outcome of the suit.

10. Learned Civil Judge is, thus, requested to hear and decide RCS No.370 of 2023 as expeditiously as possible, and, within a period of one year from the date of communication of this order, and, if, the issues are not, yet, settled, within a period of one year from the date of settlement of the issues.

11. The Writ Petition stands disposed.

(N.J.JAMADAR, J.)