

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 14588 OF 2025

Iqbal Hussain Khan Deceased Through
Legal LRs And Ors.

...Petitioners

Versus

Shakuntala Balaram Parshe And Ors.

...Respondents

Mr. A. S. Khandeparkar, Senior Advocate, a/w Farhan Shaikh,
Rushikesh Bhagat, and Sudarshan Bhilare, for the
Petitioners.

CORAM: N. J. JAMADAR, J.

DATED: 1st DECEMBER, 2025

Oral Order:-

1. Heard the learned Counsel for the petitioners.
2. This petition is directed against the judgment and order dated 25th July, 2025 passed by the learned District Judge, Raigad, in Misc. Civil Appeal No.278 of 2019, whereby the appeal preferred by the petitioners – defendants against an order dated 10th April, 2019 passed by the trial Court, thereby restraining the defendants from causing obstruction to the possession of the plaintiffs till the disposal of the suit, came to be dismissed.
3. Since the courts below have recorded prima facie concurrent findings of facts and passed discretionary orders,

this Court does not find it justifiable to entertain the petition in exercise of the supervisory jurisdiction.

4. Mr. Khandeparkar, the learned Senior Advocate for the petitioners, submitted that the findings recorded by the Courts below should not cause prejudice to the Defendants and thus it be clarified that the observations in the impugned orders shall not influence the final adjudication of the suit.

5. Having regard to the nature of the dispute, it would be expedient that the SCS/593/2018 itself is decided as expeditiously as possible, and, preferably, within a period of one year from the date of the communication of this order.

6. It is hereby made clear that, while adjudicating the suit, the trial Court shall not be influenced by the observations in the order dated 10th April, 2019 passed by the trial Court or the impugned order passed by the learned District Judge, and, the suit be decided on its own merits and in accordance with law.

7. The petition stands disposed.

[N. J. JAMADAR, J.]