

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 16344 OF 2025

Sumeet Rushabh Jain & Anr

..Petitioners

Versus

Lt Col Tajaji Ganpat Arbuj

...Respondent

Mr. Karan Parmar (through VC) with Omkar Khedekar, i/b Siddharth
N. Sutaria, for the Petitioner.

CORAM: N. J. JAMADAR, J.

DATE : 15th DECEMBER 2025

ORAL ORDER:

1. Heard the learned Counsel for the Petitioners.
2. The challenge in this Petition is to a judgment and order dated 22nd July 2025 passed by the learned District Judge, Pune, in Misc Civil Appeal No. 198 of 2025, whereby the Appeal preferred by the Petitioners, against an order dated 21st April 2025, passed by the learned Civil Judge, Senior Division, Pune, thereby rejecting an Application for interim injunction, filed by the Petitioners, came to be dismissed.
3. The Courts below have declined to exercise the discretion in favour of the Petitioners, in view of the delay and laches on the part of the Petitioners and the material which indicated that the Petitioners

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were not *prima facie* willing to perform their part of the Development Agreement, which was executed prior to 11 years of institution of the Suit.

4. The Courts below have applied the correct principles in appraising the prayer for equitable relief. The discretion exercised by the Courts below cannot said to be either perverse or against the settled principles of law.

5. In exercise of writ jurisdiction, this Court is not expected to re-appreciate, reevaluate and reweigh the material and substitute its view for the one taken by the Courts below. There is no patent error of law.

6. Hence, the Petition stands dismissed.

[N. J. JAMADAR, J.]