



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.8210 OF 2025

CHETAN S/O VIJAY SHAHU

VERSUS

SANDESH S/O SUBHASH BAISWAL AND OTHERS

<i>Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders</i>	<i>Court's or Judge's orders</i>
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Mr. J.B. Kasat, Advocate for Petitioner.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATED : 19th DECEMBER 2025

PER COURT :-

1. Heard learned Advocate for the petitioner.
2. The petitioner's challenge is to the order dated 14.10.2025, passed by the Court of District Judge-10, Nagpur, dismissing the appeal bearing Misc. Civil Appeal No.257 of 2025, in which the order dated 25.07.2025, passed by 15th Joint Civil Judge Senior Division Nagpur, at Exhibit 05 in Special Civil Suit No.542 of 2025, rejecting the temporary injunction application, filed by the petitioner-plaintiff, was challenged.
3. Learned Advocate for the petitioner submits that the petitioner is the original plaintiff, who had filed a suit under Section 6 of the Specific Relief Act, seeking decree of restoration of

possession of the suit premises, described in the plaint. In the said suit, the petitioner had filed an application under Order 39 Rule 1 and 2 of CPC *vide* Exhibit 05 and prayed for temporary injunction to restrain the defendants from alienating and creating third party interest in the suit premises during pendency of the suit. The respondents-defendants filed their written statement to the suit. The temporary injunction application came to be rejected by order dated 25.07.2025. Feeling aggrieved by this order, the petitioner-plaintiff filed an appeal *vide* Misc. Civil Appeal No.257 of 2025, which also came to be dismissed by judgment and order dated 14.10.2025.

4. On perusal of the impugned orders, it is clear that both the courts have categorically observed that the plaintiff is not entitled for temporary injunction to restrain the defendants from creating any kind of third party interest or alienating the suit premises. After giving due consideration to the document of leave and license agreement in between the parties and the position of law as laid down by the Hon'ble Supreme Court, the impugned orders rejecting the temporary injunction are passed. No perversity is seen with the discretionary orders passed by the trial court as well as appellate court and therefore, no interference is warranted with the impugned order. Hence, the writ petition deserves to be dismissed.

5. In view of the above, the writ petition is dismissed with no order as to costs.

6. Having regard to the fact that the suit is filed by the petitioner-plaintiff under Section 6 of the Specific Relief Act, it is in the interest of justice that the proceedings of the suit are expedited. Hence, it is directed that the suit be decided by the trial court preferably within a period of three months from today.

(PRAFULLA S. KHUBALKAR, J.)

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