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

Writ Petition No.1080/2025
Sanjay and others V Sunil and others

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's orders

Mr. P.P. Sarise, Advocate for petitioners.

CORAM : A.L. Pansare, J.
DATE : 27-02-2025.

Heard.

ii. The respondents filed a suit for declaration and permanent injunction. It appears that the petitioners and respondents are residing in the adjoining rooms. According to the respondents, the petitioners are approaching their room by using respondents entry door. According to them, the petitioners have broken the partition wall for access to their room.

iii. Thus, there are two doors; one is for entry in the house of respondents and second is the door located in the partition wall of two rooms occupied by the petitioners. The petitioners are accessing their rooms through the room of respondents. The map shown to me across the bar indicates that the respondents have access through the Government road. In other words, they could well enter their room from the said road.

Despite such fact, they are insisting to have access through the respondents room. In the light of the above, the first appellate Court allowed the request of the respondents seeking temporary injunction and thus injuncted the petitioners from using these two doors. The said order has been not challenged by the petitioners and thus has attained finality.

iv. The respondents however under the garb of execution of the order passed by the first appellate Court have approached the trial Court with an application Exhibit-40 seeking Police protection. The outcome of the application Exhibit-40 filed by the respondents is that they are allowed to close both the doors with the help of Police. The respondents are further allowed to construct a wall to prevent the petitioners from constructing compound wall towards the southern side of the suit property with the help of Police.

v. The argument is that these directions are not in consonance with the injunction granted by the first appellate Court. The Counsel for the petitioners makes a statement that the petitioners will not use the two doors in question and accordingly he is seeking interim relief. Statement is accepted.

vi. Prima facie, there appears substance. Issue notice before admission to the respondents, returnable in the week commencing from 24-03-2025.

vii. The petitioners shall in addition to usual mode serve the respondents through all permissible modes including service by speed post and also service through the counsel appearing before the trial Court and shall file affidavit of service.

viii. In the meantime, there shall be stay to the order dated 13-01-2025 passed by 2nd Joint Civil Judge Junior Division, Morshi in Regular Civil Suit No.121/2022.

(A.L. Pansare, J.)

Deshmukh

Signed by: Mr. S.Deshmukh
Designation: PS To Honourable Judge
Date: 28/02/2025 14:45:32