



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

Writ Petition No.4108/2025
Firoza Bi V Hussain Ahmed 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. Vinod Lohiya, Advocate for petitioner.

CORAM : PRAFULLA S. KHUBALKAR, J.
DATE : 01-08-2025.

Heard Mr. Lohiya, learned Advocate for the petitioner.

2. The petitioner has challenged the order passed by the District Judge-2, Akot in Misc. Civil Appeal No.33/2023 to the extent of the petitioner/defendant no.6, by which the appellate Court has reversed the order passed by the trial Court on an application for temporary injunction. Learned Counsel for the petitioner submits that the petitioner is defendant no.6 in the civil suit which is filed by the respondents seeking partition and separate possession. In the said civil suit, temporary injunction application seeking injunction to restrain the parties from creating third party interest was rejected by order dated 05-10-2023, however, first appellate Court while entertaining the M.C.A. has allowed the appeal and granted temporary injunction. He submits that the first appellate Court has failed to consider that the plaintiff had failed to demonstrate the essential ingredients for grant of injunction including prima facie case. He submits that the appellate Court has failed to record any kind of arbitrariness or perversity in the order of the trial Court and therefore the impugned order reversing the discretionary order passed by the trial Court is unsustainable.

3. In support of his submissions, he relies on judgment in the matter of *UTO Nederland B. V. and another vs Tiaknagar Industries Ltd*, reported in *AIR 2025 Bombay 193*.

4. In view of this, issue notice to the respondents, returnable after four weeks.

Civil Application (W) No.1743/2025

This is an application filed by the petitioner, seeking stay to the impugned order passed by the appellate Court.

2. Issue notice to the respondents, returnable after four weeks.

3. Mr. M.R. Deshpande, learned Advocate who appears on Caveat waives service of notice on behalf of respondent no.6.

(Prafulla S. Khubalkar, J.)