



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

SECOND APPEAL NO. 17 OF 2025

SMT. KAMAL W/O RAMKUMAR HATWAR

Vrs.

NATTHU S/O RATIRAM KAREMORE AND OTHERS

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A. M. Chandekar, Advocate for appellant.
Shri Kaustubh Deogade, Advocate for respondent No.1.

CORAM: ROHIT W. JOSHI, J.

DATE : 08/05/2025.

1. **Admit** on the following substantial questions
of law :-

“i] Whether the learned Courts have erred in law in not taking into consideration the divergence in the pleadings and the document i.e. the Will inasmuch as in the pleadings, it is stated that the suit property was bequeathed by the father in favour of the defendant Nos.1 and 2 whereas the document i.e. purported Will placed on record and relied upon by the defendants shows that the suit property was bequeathed only to the defendant No.1.

ii] Whether the Judgment and Decree passed by the learned First Appellate Court is required to be set aside on the ground that the application under Order 41 Rule 27 of the Code of Civil

Procedure filed by the present appellant was not decided while deciding the appeal on merits ?”

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2. This is an application seeking temporary injunction restraining the respondents from changing the nature of the suit property and creating third party interest over the suit property.

3. Shri Deogade, learned counsel for the respondents seeks time to file reply to the application. However, having regard to the fact that the appeal is admitted on the substantial questions of law, it will be expedient that the suit property is preserved pending adjudication of the second appeal.

4. In view of the fact that the Second Appeal is admitted, it will be expedient that the status quo with respect to the suit property is maintained.

5. I am therefore, inclined to grant ad-interim relief in favour of the appellant, thereby restraining the respondents from alienating the suit property, parting with the possession of the same and also altering from the nature of the same, till next date.

6. Put this civil application for further consideration in the week commencing from 16/06/2025.

[ROHIT W. JOSHI, J.]