



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

**939 CIVIL APPLICATION NO. 2088 OF 2025
IN SA/74/2012**

Sahebrao Vyankatrao Deshmukh

VERSUS

Digambar Vyankatrao Deshmukh Chandrakalabai And Anr

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Advocate for Applicant : Mr. Mohekar Ganesh V.

Advocate for Respondents No.1/a and 2 in SA: Mr. P. N. Kalani

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**WITH
SECOND APPEAL NO. 74 OF 2012
WITH
CIVIL APPLICATION NO. 1207 OF 2012
IN SA/74/2012**

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CORAM : ARUN R. PEDNEKER, J.

Dated : April 01, 2026

PER COURT :

1. Heard.
2. The present Second Appeal arises from a suit simpliciter filed for injunction. The Trial Court as well as the Appellate Court have dismissed the suit on merits. No substantial question of law arises in this matter.
3. The learned counsel for the appellant submits that the appellant has now filed Regular Civil Suit No. 305 of 2025 for partition and separate possession.
4. In view of the fact that the present Second Appeal arises from a simpliciter suit for injunction, and considering that a suit for partition and separate possession has already been instituted, the present second appeal

is disposed of with liberty to the appellant to raise all contentions in the said suit in accordance with law. All pending applications stand disposed of.

5. All contentions of the parties are kept open. I have not expressed anything on the merits of the Regular Civil Suit No.305 of 2025 and the Court concerned will decide the same in accordance with law.

(ARUN R. PEDNEKER, J.)

vj gawade/-.