



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

969 WRIT PETITION NO. 962 OF 2026

Santosh Munnalal Agrawal

VERSUS

Anil Munnalal Agrawal And Others

...

Advocate for Petitioner : Mr. M P. Kale

CORAM : S. G. CHAPALGAONKAR, J.

Dated : January 29, 2026

PER COURT :-

1. Present writ petition takes exception to the order dated 12.12.2025 passed by the District Judge, Parbhani in Misc. Civil Appeal No.115 of 2023 thereby upholding the order dated 31.10.2023 passed below Exhibit-5 by Civil Judge S.D. Parbhani, in Special Civil Suit No.87 of 2023, by which the petitioner's prayer for grant of temporary injunction has been rejected.

2. The petitioner is a plaintiff in Special Civil Suit No.87 of 2023. Petitioner filed suit for partition and separate possession of suit properties particularly specified in the plaint. It is contention of the petitioner that suit properties are joint family properties as those are purchased in the name of defendants out of the joint family income. Petitioner has also filed an

application seeking grant of temporary injunction i.e. not to alienate or create third party interest in respect of the suit properties. The trial Court after considering rival submissions rejected the petitioners application. Aggrieved petitioner filed Civil Misc. Appeal No.115 of 2023 before the District Judge, Parbhani who concurred with the view expressed by Trial Court and rejected the appeal. In this backdrop, present writ petition has been filed.

3. Mr. Mahesh Kale, learned advocate appearing for the petitioner would submit that, in a suit for partition and separate possession, when plaintiff has specifically raised claim that suit properties are purchased out of joint family income, it is imperative to grant interim injunction so as to protect properties from alienation or creation of third party interest. According to him, trial Court as well as Appellate Court rejected petitioner's prayer on erroneous count.

4. Having considered submissions advanced and reasons as recorded by both the Courts, it can be observed that petitioner raised claim as regards to properties which were purchased in the name of defendant. Apparently, there are many other properties which are purchased in the name of petitioner.

Petitioner has not given any explanation for not adding those properties in the suit. Both the Courts have opined that petitioner is not approaching with clean hands and by suppressing material facts, filed suit. The observations made by both Courts are in consonance with material on record. The Trial Court as well as appellate Court observed that suit properties are purchased under the registered sale-deed in the name of defendants and plaintiff could not demonstrate as to how joint family income was utilized while purchasing those properties. *Prima facie*, no case is made out to grant Temporary Injunction. This Court do not find any reason to interfere in the impugned order. Hence, writ petition stands **rejected**.

5. Needless to state here that observations made hereinabove are based on *prima facie* consideration of material and Trial Court shall not get influenced by same while deciding the suit on merits in trial.

(S. G. CHAPALGAONKAR, J.)

...

AAA/-