

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 15752 OF 2024

Dipak Dashrath Suryawanshi

...Petitioner

Versus

Pralhad Nivrutti Suryawanshi

...Respondent

....

Adv. Vijay Killedar a/w Adv. Shivraj Jagadale, Advocate for Petitioner.

....

CORAM : PRAVIN S. PATIL, J.

DATE : 24th APRIL, 2026.

P.C. :

1. Heard.
2. In a suit for a perpetual injunction filed by respondent against the petitioner initially the learned Trial Court rejected the application for temporary injunction by order dated 11th April 2023. The respondent against the said order filed appeal before learned District Judge. The learned District Judge by his order dated 29th April 2024 granted temporary injunction in favour of the respondent.
3. The present petition against the said order of District Judge is filed on 14th August 2024 and since then the petition is pending on the file of this Court.

4. On instructions, the learned counsel for the petitioner has stated that at present the pending suit is fixed for evidence and part of the evidence is already recorded.

5. In the present petition, the only submission of the learned counsel for the petitioner to challenge the impugned order is that in the suit, plaintiff has given incorrect description of the property, and therefore, the impugned order passed by District Judge is liable to be quash and set aside.

6. In my opinion, it is for the plaintiff to see that the correct description of the property be recorded in the suit. If he is not willing to correct the description of the property, he will ultimately suffer the consequence. In any case, at the instance of the petitioner, the order passed by the District Judge can not be set aside in the matter on such ground. The Trial court after recording evidence will decide the issue. At that time petitioner will get full opportunity to prove his case.

7. In view of above, I find no merit in the present petition. Accordingly, the petition stands dismissed.

8. No order as to costs.

[PRAVIN S. PATIL, J.]