

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1041 OF 2026**

Shiladevi Changdev Dadhe And Anr.Petitioner

Vs.

Lalita Nagnath Babar And Ors.Respondents

Mr. Hrishikesh S. Shinde, Advocate for Petitioner

Mr. J. P. Patil, AGP for the State

CORAM : SACHIN S. DESHMUKH, J.

DATE : 6th MARCH 2026.

P.C.

1. The petitioner-original defendant in R.C.S. No. 315/2021 presented by the real sister of present petitioner seeking partition, declaration and injunction in respect of the suit property. Having presented the aforesaid suit, the application seeking injunction was also presented with consequential relief of not to create third party rights in respect of the suit property.

2. In response to the suit summons, the petitioner caused appearance and resisted the suit.

3. The trial Court taking into account the fact that original plaintiff is real sister and is having share in the suit property at par with present petitioner being coparcener, therefore, considering *prima facie* entitlement, has allowed the application directing the concerned

sugar factory with whom the standing cane is supplied, the amount be withheld till final adjudication of the suit.

4. Learned counsel for the petitioner submits that the Trial Court has committed an error while granting relief ignoring the fact that the petitioner has cultivated the crop, as such, is entitled for the amount towards the same.

5. Perusal of the plaint and order under challenge *prima facie* establishes the fact that the plaintiff is a real sister of the present petitioner and one of the coparceners, is equally entitled to have share at par with petitioner, in the suit property and the yields. Therefore, the order protecting the interest of the litigating side which does not warrant interference.

6. Resultantly, petition sans merit and accordingly the same is dismissed, however, no order as to costs.

7. Needless to clarify that the observations hereinabove are confined in relation to the order under challenge. The Trial Court shall not be influenced by the observations rendered hereinabove in any manner and decide the suit on its own merits expeditiously.

(SACHIN S. DESHMUKH, J.)