IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.822 OF 2026
WITH
INTERIM APPLICATION NO.6229 OF 2026

Harishchandra Bemtya Naik @ Katkari
and others ... Appellants

versus

Machindra Tukaram Naik @ Katkari
and others ... Respondents

Mr.Prasad Dhakephalkar, Senior Advocate, i/by Mr.J.M.Joshi for Appellant.

Mr.Ashok Saraogi with Mr.Saurabh Butala, Mrs.Kalpana Chate, Mr.Parthraj Ware, Mr.Bharat Shinde, Mr.Govind Mundhe, Mr.Vinod Kendre i/by Chate & Associates for Respondents.

CORAM : AARTI SATHE, J.

DATE : 18th August 2026

P.C.

1. This Appeal from Order under Order 43 Rule 1R read with Section 104 of the Code of Civil Procedure, 1908 takes exception to the order dated 18th July 2026 passed by the learned Joint Civil Judge, Senior Division, Panvel, on application filed below Exhibit-8, Exhibit-41 and Exhibit-44 by the Respondents (original Plaintiffs) in Special Civil Suit No.292 of 2026, pursuant to which the learned Joint Civil Judge, Senior Division, Panvel by the order under challenge dated 18th July 2026, partly allowed the application filed below Exhibit-8 for grant of urgent ad-interim relief as per the submissions made in the application filed below Exhibit-41 and Exhibit-44, and an adjournment was granted to the original Defendants to file reply to the applications filed below Exhibit-5 for temporary

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injunction and Exhibit-45 for amendment of the plaint and Exhibit-47 for mandatory injunction.

2. After hearing the learned counsel on behalf of the parties for some time, the learned counsel for Respondents (original Plaintiffs) has submitted that they will withdraw the application before the Joint Civil Judge, Senior Division, Panvel filed below Exhibit-8. In view thereof, since the order dated 18th July 2026 is an interlocutory order which has been passed on the application below Exhibit-8, the said order stands set aside to the extent it partly allowed the application below Exhibit-8.

3. Further, since the application filed below Exhibit-5 for temporary injunction is also pending hearing before the Joint Civil Judge, Senior Division, Panvel for the purpose of temporary injunction, the learned Joint Civil Judge, Senior Division, Panvel shall decide the aforesaid application for temporary injunction as expeditiously as possible and pass appropriate orders thereon in accordance with law.

4. It is clarified that this Court has not given any findings or delved into the merits of the case and all contentions of the parties are expressly kept open in respect of their submissions to be made before the Joint Civil Judge, Senior Division, Panvel insofar as the application below Exhibit-5 for temporary injunction is concerned.

5. Considering the aforesaid, this Court is of the view that further adjudication of this Appeal from Order is not required. The Appeal from Order is

disposed of in the aforesaid terms. No costs. The Interim Application does not survive and stands disposed of.

(AARTI SATHE, J.)