

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 842 OF 2024
WITH
INTERIM APPLICATION NO. 15045 OF 2024
IN
APPEAL FROM ORDER NO. 842 OF 2024

Indubai Yashwant Kedari
V/s.
...Appellant/Applicant
(Orig. Defendant)

Harilal Lakhamichand Hinduja and Ors.
... Respondents
(Orig. Plaintiffs)

Ms. Jaymala J. Ostwal (through V.C.) for the Appellant/Applicant
Ms. Shruti Tulpule for Respondents

CORAM : FARHAN P. DUBASH, J.

DATE : 18th APRIL 2026

PC. :

1. The present Appeal impugns the order dated 13th April 2022 passed by the Trial Court (**impugned order**). By the impugned order, the Trial Court granted a temporary injunction in favour of the original Plaintiffs/Respondents herein in an Application below Exhibit – 5, filed by the Respondents seeking interim reliefs restraining the original Defendant/Appellant herein from obstructing the Respondents from enjoying the suit land or any part thereof, until disposal of the Suit.

2. Ms. Ostwal, learned Counsel appears for the Appellant. She submits that her client is the wife of Mr. Yashwant Kedari, and that Hausabai has wrongly represented herself as his second wife, despite having no right, title, or interest in the suit land. She further submits that Mutation Entry no. 1943 dated 2nd March 1994 was wrongfully effected in the name of Hausabai in respect of the suit land. It is submitted that Hausabai was not in possession of the suit land and has failed to establish either title or possession. In these circumstances, the Trial Court has wholly erred in passing the impugned order granting an interim injunction restraining the Appellant from obstructing the Respondent's enjoyment of the suit land.

3. Ms. Tulpule, learned Counsel appears for the Respondents. She relies on the said Mutation Entry and on a subsequent sale deed dated 24th July 2020 executed by Hausabai in favour of the Respondent. She submits that the said sale deed was registered in 2020, bearing Registration No. 7557/2020, pursuant to which her client acquired the suit land from Hausabai. She further submits that, to date, the said sale deed has not been challenged by the Appellant. Insofar as possession of Hausabai is concerned, she submits that the Trial Court has correctly considered the documents tendered before it and has accordingly recorded a finding of possession.

4. Upon consideration of the submissions of the parties, perusal of the impugned order, and examination of the documents placed on record, including the compilation filed by the Appellant, this Court finds no infirmity in the impugned order.

5. The Appellant has failed to explain as to why, till date, the registered sale deed dated 24th July 2020 has not yet been challenged by her client in any court of law. Even otherwise, the Mutation Entry no. 1943 in favour of Hausabai and the Appellant is dated 2nd March 1994. It is noteworthy to mention that by this Mutation Entry, the names of both, the Appellant as also Hausabai came to be mutated in the revenue records in respect of the said property. Considering this, it is not possible to accept the Appellant's submission that, at this stage, she was unaware of her name having been entered in the revenue records. Moreover, no steps were taken by her to challenge the said Mutation Entry.

6. In this backdrop, the Trial Court has perused the documents that were tendered by both the parties and thereafter recorded a finding in favour of Hausabai to the extent of possession. Ms. Ostwal has not been able to show any perversity regarding such finding.

7. Accordingly, this Court is of the view that the impugned order has been correctly passed and no case is made out for setting aside the same.

8. In the circumstances, the Appeal from Order is hereby dismissed with no order as to costs.

9. All pending Interim Applications taken out in the present Appeal from Order, if any, also stand disposed of in terms of this order, and all interim orders passed therein, if any, shall stand vacated.

(FARHAN P. DUBASH, J.)

Jyoti Pawar

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