

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 1687 OF 2026

Gangubai Rajaram Khairnar ...Petitioner

Versus

Nanabhau (Nanaji) Tulshiram Deore ...Respondent

Mr. V. V. Krishnan, (thorough VC), for the Petitioner.

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CORAM: N. J. JAMADAR, J.

DATED: 9th FEBRUARY, 2026

PC:-

1. Heard the learned Counsel for the petitioner.
2. The challenge in this petition is to a judgment and order dated 9th May, 2025, whereby the learned District Judge, Malegaon, was persuaded to allow the appeal against the order dated 4th February, 2022, passed by the learned Civil Judge, rejecting an application for temporary mandatory injunction and remit the matter back to the trial Court for fresh decision after considering the documents, which were in the opinion of the learned District Judge, not considered by the trial Court.
3. The learned Counsel for the petitioner submitted that the observations in the impugned order have the propensity to influence the ultimate order that may be passed by the trial

Court upon fresh consideration of the application for temporary mandatory injunction.

4. It appears that the learned District Judge was persuaded to remit the matter back to the trial Court as the trial Court, though considered the facts and law, did not consider the documents, which were tendered before the trial Court. In this backdrop, it would be suffice to clarify that, while deciding the application for temporary mandatory injunction afresh, or for that matter the suit, the trial Court shall not be influenced by any of the observations made by the learned District Judge while remitting the matter back to the trial Court and shall decide the said application as if the trial Court was deciding the same, in the first instance, on the basis of the pleadings and the material on record.

5. Subject to the aforesaid clarification, the petition stands disposed.

[N. J. JAMADAR, J.]