

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2098 OF 2026

Anil Nivrutti Lokhande

.. Petitioner

Versus

Shakuntala Dattatraya Lokhande (since
deceased) Aditya Sadasiv Ippar and Ors.

.. Respondents

.....

- Ms. Divya Parab, Advocate for Petitioner.
- Ms. P. J. Gavhane, AGP for Respondent No.10 – State of Maharashtra.

.....

CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 17, 2026

P.C.:

1. Heard Ms. Parab, learned Advocate for Petitioner and Ms. Gavhane, learned AGP for Respondent No.10 – State of Maharashtra.

2. Admittedly Petitioner is a third party aggrieved with the Compromise Decree dated 07.05.2024 which is executed between parties in Regular Civil Appeal No.7 of 2018. According to Petitioner, he seeks a declaration that said compromise deed (Sulenama) is to be declared as fraud and *void-ab-initio* as it affects his substantive right in the subject property which is the subject of the Sulenama.

3. If such declaratory relief is sought, the remedy available to the Petitioner is to approach the Civil Court having appropriate jurisdiction and not by way of Writ Petition to decide disputed questions of fact. Petitioner is entitled to take out appropriate

application below Exhibit-5 therein in accordance with law.

4. Ms. Parab informs the Court that Petitioner has already instituted a Suit namely Regular Civil Suit No.9 of 2022 which is already pending in the Trial Court even before the Compromise was effected. If not a party to the proceedings before the Court which has passed the impugned order, present Writ Petition is not maintainable for cause of action as stated therein and the declaratory reliefs.

5. All contentions of Petitioner are otherwise kept expressly open in the suit proceeding filed by him.

6. In view of the above, Petition stands dismissed and disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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