

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2540 OF 2026

Shakuntala Dattatray Bhagde and Ors ..Petitioners

Versus

Ganpat Narayan Ghule and Ors ...Respondents

Mr. Rohan Mahadik, with Nikitha Butty, i/b The Juris Partners, for the
Petitioners.

CORAM: N. J. JAMADAR, J.

DATE : 21st APRIL 2026

ORAL ORDER:

1. Heard the learned Counsel for the parties.
2. The challenge in this Petition is to an order dated 16th July 2025 passed by the learned District Judge, Pune, on an Application for interim injunction during the pendency of the RCA No. 527 of 2019. By the said order learned District Judge has rejected the said Application.
3. The Petitioner has instituted a Suit for partition and the consequential relief. The said Suit came to be dismissed by the Trial Court. Being aggrieved the Petitioner had preferred the instant Appeal No. 527 of 2019.

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4. Evidently there is no interim relief in the matter since the dismissal of the Suit. The grievance of the Petitioner is that unauthorised construction has been erected in the intervening period.

5. Having regard to the lapse of time since the dismissal of the Suit for partition, at this juncture there is no propriety in entertaining the Petition against an order which rejects an Application for temporary injunction during the pendency of the Appeal.

6. It would be expedient in the interest of justice that RCA No. 527 of 2019 itself be decided as expeditiously as possible.

7. While deciding the RCA No. 527 of 2019, the Appellate Court may have due regard to the grievances of the Petitioner as highlighted in the Application for temporary injunction.

8. The Petition thus stands disposed with a request to learned District Judge seized with RCA No. 527 of 2019, to hear and decide the said Appeal as expeditiously as possible and, preferably, within a period of nine months from the date of communication of this order.

9. Petition disposed.

[N. J. JAMADAR, J.]