

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.8057 OF 2025**

Harishchandra Basdev Sharma & Anr.Petitioners

Versus

The State of Maharashtra & Ors.Respondents

Mr. Ramchandra Apte, Senior Advocate a/w. Ms. S. Vidya, Ms. Shalaka Karkar, Ms. Divya Maniar, Ms. Nansi Sahani, Ms. Sandhya Tiwari and Ms. Dhanashree Bhate i/b. Siddh Vidya & Associates for the Petitioners.

Mr. P.P. Kakade, Addl. GP a/w. Ms. Pooja Patil, AGP for the Respondent – State.

Ms. Swati Sagvekar for Respondent No.2.

Mr. Aseem Naphade a/w. Ms. Saloni Shah and Mr. Anuj Savla i/b. Trilegal for Respondent No.11.

**CORAM : RAVINDRA V. GHUGE &
ABHAY J. MANTRI, JJ.**

DATE : 9th FEBRUARY, 2026

P.C. :-

1. It is contended that the Petitioners have filed Civil Suits bearing Nos.209 and 210 of 2023 against Respondent No.11. Interim relief has not been granted by the Civil Court as the description of the property was not properly set out and, at the same time, the Petitioners failed to *prima facie* establish that they were in occupation of an area admeasuring 2198 sq. ft., on which the shop is said to have been erected.

2. Considering the disputed questions and the fact that the Civil Suits have already been instituted by the Petitioners, the learned Senior Advocate, on instructions, submits that the Petitioners would withdraw this Petition and prefer an application for seeking appointment of TILR for joint measurement of the properties of the Plaintiffs and the sole Defendant.

3. In view of the above, **this Petition is disposed off as withdrawn**, on instructions.

4. Needless to state that if the Petitioners file an application seeking joint measurement of the properties, all contentions of the Petitioners/Plaintiffs as well as the sole Defendant, are kept open to be considered by the Trial Court on its own merits.

(ABHAY J. MANTRI, J.)

(RAVINDRA V. GHUGE, J.)