

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 16505 OF 2025

Dinkar Shankar Gaikwad Since Deceased
Through His Heirs And Legal Representatives ...Petitioner

Versus

Narayan Umaji Gaikwad Since Deceased
Through His Heirs And Legal Representatives ...Respondents

Mr. Shivaji Masal, for the Petitioner.

CORAM: N. J. JAMADAR, J.
DATED: 21st APRIL, 2026

PC:-

1. Heard the learned Counsel for the petitioner.
2. The learned Counsel for the petitioner submits that the petitioner has also filed an application under Order XXXIX Rule 2A of the Code of Civil Procedure, 1908, ("the Code") for breach of the injunction order. However, that application has yet not been decided.
3. Since the specific remedy under Order XXXIX Rule 2A of the Code has been invoked by the petitioner, the impugned order does not warrant interference in exercise of writ jurisdiction. The application under Order XXXIX Rule 2A of the Code, however, awaits adjudication.

4. The petition, thus, stands disposed with a direction to the Civil Court to decide the application under Order XXXIX Rule 2A of the Code i.e. CMA/6/2021 as expeditiously as possible.

5. The petitioner is at liberty to file an application to amend the said application i.e. CMA/6/2021 to bring on record the subsequent developments.

[N. J. JAMADAR, J.]