

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

WRIT PETITION NO. 8471 OF 2015

PUNDALIK MAHADU MARATHE
VERSUS
MOHAN KANHAIYYA MARATHE AND OTHERS

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Advocate for Petitioner : Mr. L. V. Sangeet.

Advocate for Respondents : Mr. Girish S. Rane.

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CORAM : **SUNIL P. DESHMUKH, J.**

DATE : 19th August, 2015.

Per Court:

1 The learned counsel for the petitioner purports to rely on an order passed in 2015, passed by the Sub-Divisional Officer in respect of mutation entries for the years 2012-13 and 2013-14 in respect of suit field. He submits that the basis of the order passed on Exhibit – 5 as well as dismissal of Miscellaneous Appeal are the revenue entries. He further submits that it is the factum of possession on the date of suit would be material while an injunction application is being considered.

2 Aforesaid order appears to have been recently passed, however, it appears that both the Courts have considered the revenue entries as were subsisting at the time of hearing, as well as other aspects while examining the claim of the plaintiff for interim relief. The

concurrent findings cannot be termed, at this stage, to be not in consonance with the record. In the circumstances, I am not inclined to interfere with the order. As such, the writ petition is not being entertained, stands rejected. However, it is open for the petitioner to file an appropriate application, if he so desires.

[SUNIL P. DESHMUKH, J.]

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