

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**BENCH AT AURANGABAD**

**APPEAL FROM ORDER NO.108 OF 2014**

Abdul Kadar Abdul Sattar Kachhi,  
Age-43 years, Occu:Agri. and  
Business, R/o-8,  
Behind Raja Masjid, Mehrun,  
Tq. & Dist-Jalgaon.

**...APPELLANT**  
**(Orig. Plaintiff)**

**VERSUS**

Nijamoddin Samsoddin Pinjari,  
Age-57 years, Occu:Agri. and  
Service, R/o-Utkarsha Society,  
Plot No.20, Adarsha Nagar,  
Tq. & Dist-Jalgaon.

**...RESPONDENT**  
**(Orig. Defendant)**

...  
Mr.V.T. Chaudhary Advocate for Appellant.  
...

**CORAM: A.I.S. CHEEMA, J.**

**DATE : 15TH JANUARY, 2015**

**ORDER :**

1. Heard learned counsel for Appellant.  
Grievance is raised that Order 39 Rule 2A of Code

of Civil Procedure was required to be enforced against the Respondent, but trial Court did not. According to the learned counsel for Appellant - original plaintiff, Respondent had, inspite of temporary injunction order, entered into agreement of sale with one Kailash Ananda Chaudhary and Suresh Vana Chaudhary regarding which Mutation Entry 326 was made. Learned counsel submitted that trial Court inspite of the evidence, did not take action under Order 39 Rule 2A of the Code of Civil Procedure.

2. Admitted facts are that concerned Special Civil Suit No.28 of 2008 had been disposed on 20th August 2012. The Civil Misc. Application No.42 of 2011 though filed when the suit was pending, the order has come after the suit has been disposed. Rule 2A concerned is part of Order XXXIX which deals with "Temporary Injunctions and Interlocutory Orders".

3. The observations of the trial Court show that no document like agreement of sale has come on record and the Mutation Entry concerned was objected to by Defendant and the same has been cancelled. It does not appear that there is any illegality or irregularity in the order passed by the trial Court.

4. There is no reason to interfere. The admission is declined. The Appeal from Order is disposed of, accordingly.

**[A.I.S.CHEEMA,J.]**

asb/JAN15