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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10145 OF 2015

Ram Pralhad Chidrewar

PETITIONER

VERSUS

Venkat Pandhari Kawde

RESPONDENT

.....

Mr. Santosh S. Jadhavar, Advocate for the petitioner

Mr. T. M. Venjane, Advocate for respondent -caveator

.....

[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 12th OCTOBER, 2015

ORDER :

1. Heard learned advocates for the petitioner and caveator.
2. Petitioner - defendant's contention hovers on a solitary circumstance of sale deed executed by the respondent - plaintiff in his favour of 2002, particularly with reference to recital in the same regarding handing over of possession to present petitioner - defendant. This aspect as far as injunction in the present matter is concerned, has been discussed by the learned appellate judge from paragraph No.8 onwards till paragraph No.10 in the impugned order. It has been taken into account by the learned appellate court that except the sale deed and two witnesses, who claimed to be adjoining land owners from

southern side, contemporaneous record does not indicate that defendant is in possession. However, learned appellate judge has considered position of revenue record as well as raising of a loan from a bank over the property and that there were affidavits of witnesses, and about a transaction in 1993 and has considered the transaction of 2002, *prima facie*. Revenue record coupled with application of enactment and affidavits, the appellate court has considered that sufficiently indicate at *prima facie* stage possession of the plaintiff.

3. In the circumstances, the impugned order cannot be said to be perverse requiring interference with the same in discretionary powers of this court.

4. Writ petition, as such, stands rejected.

5. Learned advocate for the petitioner, at this stage, requests for expeditious disposal of the suit. Having regard to the nature of controversy involved, the trial court to proceed further with the suit as expeditiously as possible, preferably within a period of nine months from the date of receipt of writ of this order.

[SUNIL P. DESHMUKH, J.]