

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.5901 OF 2014

Naresh Dhanraj Lalwani and another .. Petitioners

Versus

Vishnu Govind Wagh .. Respondent

Mr. Surel S. Shah, Advocate for the Petitioners.

CORAM : R.M. SAVANT, J.

DATE : 08th JANUARY, 2015

PC.

1. There is a concurrent finding recorded against the Petitioners and in favour of the Respondent by the Courts below, on the basis of the material on record both the Courts below have held that the Petitioners i.e. the original Plaintiffs are not entitled to the discretionary relief of injunction. Both the Courts below have held that the Respondent/original Defendant is in possession. In view of the concurrent orders passed by both the Courts below, no case for interference in the writ jurisdiction of this Court is made out. The Writ Petition is accordingly dismissed. Needless to state that the observations made in the instant order are only for considering the application for temporary injunction, the suit would undoubtedly be tried on its own merits and in accordance with law.

[R.M. SAVANT, J]