

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

WRIT PETITION NO.11502 OF 2014

Dharma Suryabhan Sarvate : Petitioner
versus
Ramchandra Bhagu Mane and ors. : Respondents.

Ms. Sucheta Mirashi for the Petitioner.
Mr. Ajay A Joshi for the Respondent Nos.7 to 9.

CORAM : R. M. SAVANT, J.
DATE : 13th February 2015

P.C.

1 There is a concurrent finding recorded by both the Courts below against the Petitioner original Plaintiff as regards his entitlement to the discretionary relief of temporary injunction. Both the Courts below on the basis of the material on record have come to a conclusion that it is not the Plaintiff who is in possession, but it is the Defendant Nos.7 to 9 who are in possession pursuant to the registered sale deed dated 4/12/2012. The Plaintiff in support of his case that he is in possession has sought to rely upon the agreement to sale dated 15/4/1998, executed by the Defendant Nos.1 to 6 in his favour. The said agreement to sale has been disbelieved at the prima facie stage by the Trial Court on the ground that one Laxman Bhagu Mane whose thumb impression appears on the said agreement to sale has signed the registered sale deed dated 4/12/2012 which is executed in favour of the Defendant Nos.7 to 9 by the Defendant Nos.1 to 6. Both the Courts therefore

express their doubt and suspicion as regards the said agreement to sale on the ground that though the said Laxman Bhagu Mane has signed the registered sale deed, how he could have put his thumb impression on the agreement to sale. Both the Courts below have also taken into consideration the fact that except the said agreement to sale the Plaintiff has not produced any document in respect of the existence of the house or cultivation of the sugarcane in the matter of supplying it to the sugar factory. To the instant Petition, the Petitioner has annexed the receipt issued by one Shri Sant Damaji Sahakari Sakhar Karkhana Ltd. Mangalwedha, Dist. Solapur as also the certificate issued by the said sugar factory. Significantly, the certificate as well as the receipt seems to have been issued on 10/12/2014 i.e. after the Lower Appellate Court had dismissed the Appeal filed by the Petitioner. Hence even if the said documents are taken into consideration, the same do not further the case of the Plaintiff.

2 In the light of the concurrent orders passed by both the Courts below, no case for interference in the writ jurisdiction of this Court is therefore made out. The above Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]