

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

WRIT PETITION (STAMP) NO.34482 OF 2014

Mr. Gurupad Mayyapa Pujari and others .. Petitioners

Versus

Mr. Bandu Anna Magdum .. Respondent

Mr. Dhairyasheel Sutar, Advocate for the Petitioners.

Mr. Manoj patil, Advocate for Respondent No.1.

CORAM : R.M. SAVANT, J.

DATE : 16th JANUARY, 2015

PC.

1. There is a concurrent finding recorded against the Petitioners and in favour of the Respondent/original Plaintiff as regards the Respondent's entitlement to the discretionary relief of temporary injunction. Both the Courts below on a consideration of the material on record have come to a conclusion that it is the Plaintiff who is in possession of the suit properties. The suit properties are Gat No.63/1 and Gat No.470 of which the Respondent/Plaintiff claims to be a tenant. In support of his case that he is in possession, the Plaintiff relied upon the tax receipts showing payments made to the Government in respect of lands in question, Sugarcane receipts issued by Gurudatta Sugars Ltd. , Takliwadi as also Deshbhakta Ratnappa Kumbhar Panchganga S. S. K. Ichalkaranji. In the Pikpani

i.e. cultivation column also the name of the Plaintiff is appearing since the year 1990, as the orders have been passed by the SDO and the Collector. Both the Courts below have therefore reached a conclusion that the Plaintiff is in possession and in cultivation of the said suit properties. Having regard to the concurrent orders passed by 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 in the instant order are only for the purposes of consideration of the application for temporary injunction. The suit would undoubtedly be tried on its own merits and in accordance with law.

[R.M. SAVANT, J]