IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1424 OF 2014

Ramrao Baburao Patil ..Petitioner
Vs.
Rangrao Baburao Patil ..Respondent

Mr. Manoj Patil for the Petitioner

CORAM : R. M. SAVANT, J.
DATE : 3rd FEBRUARY, 2015

P.C.

1 There is a concurrent finding recorded against the Petitioner and in favour of the Respondent. Both the courts below on the basis of the material on record have come to a conclusion that the Plaintiff is not in exclusive possession of the property in respect of which he is claiming injunction. Both the courts below have come to a conclusion that the property is a joint family property and that the Plaintiff is a co-sharer with his brothers. The case of the Plaintiff that he has purchased the property in the year 2005 was not countenanced by the courts below on the ground that how could the Plaintiff construct a house prior to 2005 when he purchased the property. The courts below have therefore concluded that the possession of the Plaintiff is joint with his brothers. In view of the concurrent orders of the courts below, no case for interference in the Writ Jurisdiction of this court is made out. The Writ Petition is accordingly dismissed.

2 Needless to state that the observations made in the impugned order as well as the instant order are made only for the purposes of 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]