

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.758 OF 2015**

**Shashikant Sidheshwar Kukde @
Burud and ors. : Petitioners.
Versus
Prabhakar Vithal Talekar : Respondent**

**Mr. Umesh R Mankapure for the Petitioners.
Mr. Shivaji A Masal for the Respondent.**

**CORAM : R. M. SAVANT, J.
DATE : 18th February 2015**

P.C.

1 There is a concurrent finding recorded by both the Courts below in favour of the Respondent/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 the Plaintiff who is in possession, and the theory propounded by the Petitioners/Defendants that a leave and licence agreement was entered into, and that on the expiry of the said leave and licence agreement the possession was handed over back to the Petitioners/Defendants has been disbelieved by both the Courts below. In view of the concurrent finding recorded by both the Courts below as regards the Plaintiff's possession, no interference in the writ jurisdiction of this Court is called for. The above Writ Petition is accordingly dismissed. However, the hearing of the suit in question i.e. Regular Civil Suit No.315 of 2014 is expedited.

[R.M.SAVANT, J]