

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.1887 OF 2015

Tanba s/o Deorao Kuhite and ors.

-VS-

Shobha wd/o Dadarao Thakre and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri A. V. Muley, Advocate for petitioner.

CORAM : A.S.CHANDURKAR, J.

DATE : November 24, 2015

The petitioners are the original plaintiffs who are aggrieved by the order passed by the trial Court rejecting the application for temporary injunction which order has been confirmed by the Appellate Court.

Shri A. V. Muley, learned counsel for the petitioner submitted that the relinquishment deed on the basis of which the defendants were claiming the title was never produced before the Courts below and therefore the case of the plaintiffs ought to have been accepted. According to him, the title was claimed on the basis of sale deed dated 12/11/1998 and therefore a case for injunction was made out.

Perusal of the impugned orders indicates that both the Courts have found that there was no document on record to indicate possession of the plaintiffs. The revenue entry also indicated that the plaintiffs were not in possession. Hence in this regard re-appreciation of entire material at this stage is not warranted. It is open

for the plaintiffs to prove their case at the trial Court. Hence there is no reason to interfere with the impugned orders. By clarifying that the suit shall be decided on its own merits without being influenced by any of the observations made hereinabove after considering the evidence that would be led by the parties and by expediting the proceedings in R.C.S. No.24 of 2013, the writ petition is disposed of with no order as to costs.

JUDGE