

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

AO No. 31 of 2015
Gopichand v. Ramesh

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's Orders.

Court's or Judge's orders.

Mr N. Bhaqgat, adv for appellant
 Mr P. S. Khubalkar, Adv for respondent

CORAM : A. P. BHANGALE, J

DATED : 10th June 2015

1. Feeling aggrieved by order of temporary injunction passed by the Civil Judge, SD, Nagpur on 29.1.2015 in Special CS No. 189 of 2014 whereby appellant/original defendant has been restrained from causing obstruction to the peaceful possession of respondent/plaintiff over suit land and from creating third-party interest in and over the suit property, the appellant/original defendant has filed present Appeal against Order.

2. Learned trial Court has found prima facie on the basis of agreement and affidavits of two persons that out of total consideration of Rs. 67 lacs, plaintiff has paid amount of Rs. 32 lacs and, therefore, possession of piece of land was handed over to the plaintiff. Learned trial Court has rightly held that if at this stage possession of plaintiff is not protected, grave and irreparable loss will be caused to him. Learned

trial Court has further rightly asked appellant/defendant not to create third-party interest pending final disposal of suit.

3. Learned counsel for appellant has argued that points for determination were not framed by the trial Court for deciding application under Order 39, rules 1 and 2 CPC. I have minutely gone through the impugned order. I find that even though points for determination were not framed specifically, learned trial Court has dealt with the aspects of prima facie case, balance of convenience and irreparable loss in detail.

4. No interference is called for in the impugned order. Appeal against Order is accordingly dismissed. No costs.

JUDGE

joshi