

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.3749 OF 2015.

(SMT. RAJKANYA UTTAMRAO KHANDARE & OTH..VS..SMT. HARSHA MOHAN KHANDARE.)

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

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : JULY 08, 2015.

Heard Mr.Rohit Joshi, the learned advocate for
the petitioners/ original plaintiffs.

The petitioners have filed this writ petition
challenging the order passed by the District Court allowing
the appeal filed by the respondent and setting aside the order
passed by the trial Court by which temporary injunction was
granted in favour of the petitioners restraining the respondent
from disturbing the possession of the petitioners over the suit
field.

The submission on behalf of the petitioners is that
the 7/12 extracts show the possession of the petitioners and
that they are the owners of the suit field. It is submitted that
the District Court has not considered the factual aspects
properly and this has happened as the impugned order is
passed without hearing the petitioners.

With the assistance of the learned advocate for
the petitioners, I have gone through the material placed on
the record of the writ petition. The learned Principal District

Judge has recorded that the contentions of the respondent are supported by the sale deed dated 8th June, 2006. The learned PDJ has rightly refused to accept the claim about the family arrangement at this stage.

Considering the close relationship of the parties and the findings of fact recorded by the learned District Judge and the observations that temporary injunction cannot be granted against the co-owner, I am not inclined to interfere with the impugned order.

The petition is **dismissed**. No costs.

JUDGE

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