

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 2677 OF 2014

Rajeshing Jagannath Koli

..PETITIONER

VERSUS

Madan Rajaram Koli and Others

..RESPONDENTS

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Mr. M.S. Shendage, Advocate h/f Mr. P.R. Katneshwarkar, Advocate for petitioner.

Mr. S.B. Bhosale and Mr. A.R. Syed, Advocates h/f Mr. S.P. Brahme, Advocate for respondents.

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**CORAM : T.V. NALAWADE, J.
DATED : 28th SEPTEMBER, 2016**

ORDER :

1. The petition is filed to challenge the judgment and order made in Miscellaneous Civil Appeal No. 29 of 2012 which is pending in District Court, Dhule. Said appeal was filed by present respondents/original defendants in Regular Civil Suit No. 23 of 2011 which is pending before Civil Judge Junior Division, Shirpur. Suit is filed for relief of injunction by the present petitioner. Trial Court had given relief of temporary injunction. The said order is set aside by the District Court.

2. The dispute is in respect of agricultural land. The Trial Court had given the relief by holding that there was name of plaintiff in the revenue record and steps were not taken by the defendants to see that their names were entered into revenue record. Appellate Court has considered mutation showing that land was belonging to common ancestor of plaintiff and defendant. Common ancestor – Rajaram left behind Jagannath, Pandit and Madan. These circumstances are considered and it is observed that giving injunction will be giving relief against the members of joint Hind family who are having share in the property.

3. It is held by district Court that there is no record of partition and so such relief cannot be given. In view of nature of record discussed by the District Court and admitted position of relationship, this Court holds that there is no possibility of interference in the decision given by the District Court. However suit can be expedited. In the result, petition is dismissed. The Trial Court is hereby directed to expeditiously dispose the suit and in any case within a period of six months from the date of this order.

(T.V. NALAWADE, J.)

SSD