

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

WRIT PETITION NO. 6690 OF 2015

Dattatraya Prabhakar Dhumal and Others ..PETITIONERS

VERSUS

Harun Dadamiyan Qureshi and Others ..RESPONDENTS

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Mr. W.S. Jadhav, Advocate for petitioners.

Mr. Zia-ul-Mustafa, Advocate for Respondent Nos.2 to 7.

Mr. Shaikh Faruk V. Patel, Advocate for Respondent Nos.10 to 13.

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CORAM : T.V. NALAWADE, J.

DATED : 23rd SEPTEMBER, 2016

ORDER :

1. The petition is filed to challenge the order made on Exhibit 121 in Special Civil Suit No. 159 of 2010 which is pending before Civil Judge Senior Division, Vaijapur. Heard learned Counsel for petitioner and also counsel for other side.

2. Suit is filed for specific performance of contract of sale. Present petitioner are Defendant Nos.10 and 11 in the suit. Already relief of injunction is granted in favour of plaintiff to prevent the defendants from alienating the suit property. It appears that steps are being taken by

the plaintiff to see that the properties are got measured through government surveyor. The present application was filed to prevent the parties from taking measurement of the land through government surveyor. The application was itself misconceived. No Court would have granted such relief. This Court is ignoring the possibility that Appeal from Order could have been filed if there is jurisdiction to this Court or appeal could have been filed in the District Court if the jurisdiction of the District Court is increased when the matter was pending. But instead of that, writ petition is filed.

3. In view of the aforesaid circumstances, this Court holds that the matter should not be prolonged further. As the application was itself misconceived, present petition is dismissed.

(T.V. NALAWADE, J.)

SSD