

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

WRIT PETITION NO. 8410 OF 2014

Santram Fakira Rothe and Another ..PETITIONERS

VERSUS

Shamimbegum Haji M. Raziyoddin Shaikh ..RESPONDENT

....

Mr. A.D. Kasliwal, Advocate for petitioners.

Mr. V.R. Dhorde, Advocate for respondent.

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CORAM : T.V. NALAWADE, J.

DATED : 28th SEPTEMBER, 2016

ORDER :

1. The petition is filed to challenge the orders made by the Trial Court in Regular Civil Suit No. 162 of 2012 of temporary injunction and confirmed by the District Court in Miscellaneous Civil Appeal No. 32 of 2013. Heard both sides.

2. Plaintiff has filed suit for relief of permanent injunction in respect of 1 Hectore 21 R of the Gut No. 52 situated at village Rahegavhan, Taluka Vaijapur, District Aurangabad. It is the case that she has purchased the property from the wife of Defendant No.1 and under the sale deed she got possession and she has been in possession of the

property from the date of sale deed. Cause of action is given in the suit for relief of injunction.

3. Defendant No.1 has contended that though he had given property to his wife – Mankarnabai, she had no right of selling the property and so the plaintiff does not get any right or title in the said property.

4. It appears that on the basis of transactions, entries are made in the revenue record in favour of the plaintiff and both the Courts below held that plaintiff is in possession of the property. Admittedly, Defendant No.1 – Santram has filed separate suit in respect of the same transaction. Prima facie case is required to be made out for plaintiff for getting relief of temporary injunction and there are concurrent findings of Court below on the basis of the record. There is no room to interfere in the order made by the Trial Court of temporary injunction. Petition stands disposed of.

(T.V. NALAWADE, J.)

SSD