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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2741 OF 2016

Sudhakar Tukaram Sonwane & Others

PETITIONERS

VERSUS

Vimalbai Mohan Koli

RESPONDENT

.....
Mr. Prakashsing B. Patil, Advocate for the petitioners
.....

[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 11th APRIL, 2016

ORDER :

1. Heard learned advocate for the petitioners, who contends that way back in 1994 possession had been delivered to the petitioners pursuant to the agreement of sale dated 12th December, 1994, but only for want of entry in cultivation column, pursuant to the delivery of possession, trial as well as the appellate courts have refused to consider that the petitioners are in possession.

2. It appears that in the suit filed by present respondent, two applications were considered by the trial court Exhibit-6 filed by the plaintiff - present respondent and Exhibit-28 by present

petitioners - defendants. Application Exhibit-6 by plaintiff - respondent had been allowed and application Exhibit-28 by present petitioners - defendants had been dismissed, against which Miscellaneous Civil Appeals No.9 of 2013 and 10 of 2013 had been filed, which are rejected.

3. Perusal of the impugned order shows that it has been considered that revenue record has presumptive value unless the same is overturned by evidence in rebuttal. The courts have *prima facie*, with reference to the material on record, considered that the plaintiff- respondent appears to be in possession of the property.

4. Learned advocate for the petitioners submits that the situation, however, is otherwise.

5. The courts, while passing the impugned orders, have taken the material as has been placed on record into account and the considerations which have weighed with the courts while deciding the matters do not appear to be strayed considerations. Two courts have concurrently considered material on record, finding *prima facie* the plaintiff - respondent to be in possession.

6. In the circumstances, no fault can be found with the orders passed by the courts.

7. Writ petition, as such, stands rejected.

[SUNIL P. DESHMUKH, J.]

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