

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7534 OF 2014**

Shri Dnyandev Gopala Thorat

..Petitioner

Vs

State of Maharashtra and Ors

.. Respondents

Mr. Vilas B.Tapkir Advocate for Petitioner.

Ms. Gauri Rao, A.G.P. for Respondents no.1,4 and 5.

Mr.Tushar Sonawane a/w Prashant Hagare, Advocate for Respondent no.2.

CORAM : R.G.KETKAR,J.

DATE : 08/01/2016

PC:

1. Heard Mr. Vilas Tapkir, learned counsel for the petitioner, Ms. Gauri Rao, learned counsel for respondents no.1,4 and 5 and Mr. Tushar Sonawane, learned counsel for the respondent no.2 at length.

2. By this petition under Article 227 of the Constitution of India, original plaintiff has challenged the judgment and order dated 29.11.2013 below Exh.5 passed by learned Civil Judge, Sr. Dn., Baramati in Regular Civil Suit No.372 of 2013 and the Judgment and order dated 19.3.2014 passed by the learned District Judge-1, Baramati in Misc. Civil Appeal No. 86 of 2013. By these orders, the Courts below rejected the application made by the petitioner, hereinafter referred to as 'plaintiff', for temporary injunction restraining the defendants from obstructing

his possession over Gat No.273.

3. The plaintiff has instituted another suit, namely, Regular Civil Suit No.487 of 2012 in the Court of Civil Judge, Jr. Dn., Daund for cancellation of sale deed, partition and possession of Gat No.273. In view thereof as also for the reasons recored in the orders passed by courts below, prima facie, it is evident that the plaintiff is not in possession of Gat No.273. Hence, no case is made out for invocation of powers under Article 227 of the Constitution of India. Petition fails and the same is dismissed.

Liberty is reserved to the plaintiff to apply for disposal of the suit in a time bound manner. If such application is made, the learned trial Judge will pass appropriate order thereon. Order accordingly.

(R.G.KETKAR, J.)