

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.3782 OF 2016

(DNYANESHWAR GOVINDRAO MHASKE....VS..KAMLABAI DNYANESHWAR MHASKE & 4 OTH.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A.HAQ, J.
DATED : JULY 21, 2016.

Heard Shri S.G.Karmarkar, advocate for the
petitioner/ original plaintiff.

The petitioner/ plaintiff has filed civil suit praying for decree for declaration that the sale-deed executed on 21st January, 2012 by the defendant Nos. 1 and 2 (wife and daughter of the plaintiff) in favour of the defendant Nos. 3 to 5 is sham and bogus and the same be cancelled. The plaintiff prayed for permanent injunction restraining the defendants from disturbing the peaceful possession of the plaintiff over the suit field. The plaintiff filed an application praying for temporary injunction. The subordinate Courts, after considering the evidence on record have *prima-facie* found that the plaintiff has failed to establish that he had been in possession of the suit land. It is on record that the plaintiff had executed sale-deed in respect of the suit land in 1983 in favour of the defendant No.1 (wife of the plaintiff). The findings recorded by the subordinate Courts are based on proper appreciation of the material on record.

I see no reason to interfere with the impugned orders. The petition is dismissed. No costs.

CIVIL APPLICATION (CAW) NO. 1411/2016.

In view of dismissal of the writ petition, the application for grant of temporary injunction does not survive, hence, it is disposed of.

JUDGE

Raut..

CERTIFICATE

I certify that this order uploaded is a true and correct copy of original signed order.

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