

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

Writ Petition No.6123 of 2014
(Shri Ramesh Bhima Mandiga and others v. Kamlabai Ghansham Joshi and
another)

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

Shri N.R. Bhishikar, Advocate for Petitioners.
Shri R.W. Joshi, Advocate for Respondents.

Coram : R.K. Deshpande, J.
Date : 17th November, 2016

The Trial Court rejected the application for injunction, whereas the lower Appellate Court has allowed it. The defendants are restrained from obstructing the possession of the plaintiffs over the suit field Survey No.90, admeasuring 1 H and 74R, situated at Mouza Bhendvi, Tahsil Rajura, District Chandrapur.

With the assistance of the learned counsels appearing for the parties, I have gone through the orders passed by both the Courts below. The parties have produced 7/12 extract in respect of the suit field. The plaintiffs claim to be the owners of the suit field on the basis of the purchase certificate. The defendants have urged that the said certificate has been set aside and the appeal against it, is pending. The Courts below have taken into

consideration the evidence produced on record to consider a prima facie case, and the lower Appellate Court has taken a possible view of the matter to record a finding that the plaintiffs have prima facie established the possession over the suit field and, therefore, the injunction has been granted. The suit is for permanent injunction restraining the defendants from obstructing the possession of the plaintiffs. The view taken by the lower Appellate Court is a possible view of the matter, which does not call for interference.

The petition is dismissed.

Judge.

Lanjewar