

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

WRIT PETITION NO.7089 OF 2014

(Sau. Radhabai Vikram Dhabale ..vs.. Vitthalrao Punjaji Wadhawe and others)

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 : 07-07-2016

Heard Shri K.S. Narwade, Advocate for the petitioner-original defendant No.2 and Ms. A.M. Gupta, Advocate holding for Shri P.B. Patil, Advocate for the respondent Nos.1 to 3-original plaintiffs. None appears for the respondent No.4-original defendant No.1.

2. The defendant No.2 has filed this petition challenging the order passed by the District Court maintaining the order passed by the trial Court granting temporary injunction in favour of the plaintiffs and restraining the defendants from interfering with and disturbing the possession of the plaintiffs over the suit land till the disposal of the civil suit. The subordinate Courts, after considering the documentary evidence on record which include the 7/12 extracts, have concurrently recorded that the plaintiffs have established that they are in possession of the suit field since 1995. The petitioner-defendant No.2 has not been able to point out any patent illegality or perversity in the findings recorded by the subordinate Courts. The learned District

Judge has consciously considered the point of equities and has put the plaintiffs to certain conditions. I see no reason to interfere with the orders passed by the subordinate Courts.

3. The petition is dismissed. The parties to bear their own costs.

JUDGE

adgokar