

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

WRIT PETITION NO.7283/2014

Ramdas Shriram Shirsat
..VS..
Santosh Trambak Shirsat and another

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 : 24.6.2016.

Heard Shri A.S. Mehadia, Advocate for the petitioner - original plaintiff and Shri S.G. Joshi, Advocate for the respondents - defendants.

The plaintiff has filed civil suit praying for decree for mandatory and permanent injunction. In this civil suit, the plaintiff filed an application praying for temporary injunction which came to be allowed by the trial Court. The defendants filed appeal before the District Court challenging the order passed by the trial Court. The learned District Judge allowed the appeal by the impugned order and rejected the claim of the plaintiff for temporary injunction. The plaintiff being aggrieved in the matter, has filed this writ petition.

The learned Advocate for the plaintiff has submitted that the District Court has committed an error in re-appreciating the evidence and coming to a different conclusion when the *prima facie* findings recorded by the

trial Court were based on proper appreciation of material on the record and it could not have been said that those *prima facie* findings are perverse.

Considering the findings recorded in paragraph No.20 of the order passed by the District Court and as the plaintiff has not established his continuous peaceful possession over the suit property, in my view, the order passed by the District Court rejecting the claim of the plaintiff for temporary injunction cannot be faulted with. I do not see any reason to interfere with the impugned order. The petition is **dismissed**. In the circumstances, the parties to bear their own costs. As the civil suit is of 2013, the trial Court is requested to dispose the civil suit till 15th March, 2017.

JUDGE

Tambaskar.