

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

WRIT PETITION NO.3879 OF 2017

Sugamchand Chhaganlal Agrawal
and others ... PETITIONERS

VERSUS

Ravindra Rupla Bari ... RESPONDENT

.....
Shri A.J. Patil, Advocate for petitioners
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CORAM: S. B. SHUKRE, J.

DATED: 22nd March, 2017.

ORAL ORDER :

1. Heard learned counsel for the petitioners. The submission is that, the impugned orders passed by the courts below are perverse. However, upon going through the impugned orders, I do not find it to be so. The evidence available on record has been considered from the view point of its prima facie worth and the view taken by both the courts below being possible, it would not be open for this Court to substitute its own view for the view taken by the courts below in concurrent manner just because another view is possible. It is pertinent to note here that the plaintiffs or the petitioners are claiming through one Harakchand Agrawal, who died in the year 1994 and there is not a single document placed on record by the petitioners showing

that they came into possession of the suit property or started cultivating the suit property immediately after the year 1994. The 7/12 extracts, which are placed on record, pertain to the years 2013-14 and subsequent years, and were pertaining to the mutation entry No.9411 taken in the year 2014.

2. On the other hand, there is Sauda Pavti executed by Harakchand in favour of Arjun Rupla Bari, minor through guardian Mathurabai for consideration of Rs.4000/-, in which it is stated that the possession of the suit property has been delivered to Mathurabai at the time of execution of Sauda Pavti. The affidavits of same are also there. All these facts have been considered by both the courts below and view are accordingly confirmed, which does not appear to be perverse or passed upon some irrelevant material. Therefore, this would not be a fit case for making interference in the impugned order as held by the Hon'ble Apex Court in the case of **Wonder Ltd. & anr. Vs. Antox India P. Ltd. reported in 1990 (Suppl) SCC 727.** The writ petition stands summarily dismissed with costs.

(S. B. SHUKRE)
JUDGE

fmp/