

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

WRIT PETITION NO. 14107 OF 2017

SURESH KISAN KHANDAGALE
VERSUS
EKNATH BAJIRAO KHANDAGALE AND OTHERS

...
Advocate for Petitioners : Mr Tungar Hrishikesh V

...
CORAM : V.K. JADHAV, J.
Dated: December 07, 2017

...
PER COURT :-

1. I do not find any substance in this writ petition.
2. The petitioner/plaintiff has instituted the suit for simplicitor injunction in respect of the suit land. It is not disputed that, the plaintiff is the owner of land S.No.37/AU/6 admeasuring 83 R. It is also not disputed that, respondents/defendants are the owners of land S.No.37/AU/3 which is situated adjacent to the suit land. It is the case of the plaintiff that, defendants have got measured their land on 25.2.2016 and falsely fixed the boundary stone on north side and raised quarrel with him and obstructed his peaceful possession over the suit land. Defendants have denied

this fact. Both the courts below have observed that to prove this fact prima-facie, plaintiff has no evidence at all. Even, it appears from the application in the form of the complaint submitted to the concerned Police Station that, though, reference has been given to the obstruction on 25.2.2016 and complaint lodged to the police with regard to the same incident, it appears from the copy of the complaint submitted to the concerned police station that, on 14.3.2016 only after institution of the suit, petitioner/plaintiff has filed those applications before the concerned police station. Considering the photographs placed on record, trial court has observed that, considering the quantity of the debris while digging the canal, inference could be drawn that said work was going on for more than 3-6 months prior to the institution of the suit. Considering the same, the trial court has refused to grant interim relief by issuance of temporary injunction in favour of the petitioner/plaintiff. I find no fault in the order passed by the trial court as well as judgment and order passed by the District Judge, Beed while confirming the said

order. Writ Petition is devoid of any merits. Writ
Petition is hereby dismissed. No costs.

(V.K. JADHAV, J.)

...