

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

WRIT PETITION NO.900 OF 2017

(SHANKAR RAJIRAM PARATE.....VS.. VILAS GIRIDHAR HEDAU.)

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

Court's or Judge's orders

Mrs. Bindiya J. Murkute, advocate for Petitioners.
Shri S.B.Bawanthare, Advocate for Respondent.

CORAM : Z.A.HAQ, J.

DATED : MARCH 01, 2017.

Heard.

The original defendant takes exception to the judgment passed by the learned District Judge by which the appeal filed by the respondent/ original plaintiff under Order 43 Rule 1(r) of the Code of Civil Procedure is allowed, the order passed by the trial Court rejecting the application (Exh.5) filed by the plaintiff is set aside and temporary injunction is granted restraining the defendants from obstructing the plaintiff from cultivating the suit field during the pendency of the civil suit.

The contention of the defendants is that the sale-deed registered in favour of the plaintiff is nominal document, executed as security for hand loan which the defendants have taken from the plaintiff and therefore, the statement in the sale-deed that the possession is handed over to the plaintiff is of no consequence and in fact possession was not given to the plaintiff.

The learned District Judge has properly considered all the relevant aspects and has summarized his conclusions in paragraph 16 of the impugned judgment. The petitioner has not pointed out any patent illegality or infirmity which necessitates interference by this Court in the extraordinary jurisdiction. I see no reason to interfere in the matter.

The petition is **dismissed**. No costs.

JUDGE

Raut..