

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

CIVIL APPLICATION (S) NO.1153 OF 2016
IN
SECOND APPEAL NO.271 OF 2015

JAYASHREE KHEMRAJ AGRAWAL @ SAU. JAYSHREE NAVINCHANDRA TANK
VS
STATE OF MAHARASHTRA AND OTHERS

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

Court's or Judge's orders

Mrs. S. W. Deshpande, Advocate for the appellant.
Shri S. B. Bissa, Asstt. Government Pleader for respondent nos.1 to 3.

CORAM : A.S. CHANDURKAR, J.
DATED : JULY 28, 2017.

By this application, it is prayed that the non-applicants be restrained by an order of interim injunction from entering field Gut Nos.124, 127 and 128 of mouza Tuljapur, Tah. Chandur Railway. It is the case of the applicant that she is the owner of these three fields and the non-applicants had sought to restrict her enjoyment of these properties due to which the aforesaid suit came to be filed. In the application, it is stated that a finding has been recorded by both the Courts as to the applicant's ownership and despite that on 29-11-2016, the non-applicant nos.2 & 3 started digging a drainage in field Gut Nos.124, 127 and 128. Reference is made to lodging of N.C.R. No.849/2016 in that regard.

Reply has been filed on behalf of the non-applicant Nos.2 & 3. It is stated that a temple of Bhilaji Baba is situated in Survey No.129 and said field is not owned by the applicant. It is

further stated that a road has been constructed to approach said temple and said road is now being maintained by the Public Works Division of the Zilla Parishad.

The trial Court has recorded a finding that the applicant has proved that she was the owner of field Gut Nos.127 and 128. She has also purchased Gut No.124. Considering the finding recorded by both the Courts that the temple in question is located in Gut No.129, a case has been made out to grant relief in terms of prayer clause (i). The application is accordingly allowed in terms of prayer clause (i) and disposed of.

JUDGE

/MULEY/