

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

WRIT PETITION NO. 8603 OF 2018

Khudratulla s/o Vajir Beg .. Petitioner

versus

Mohammad Jafar Kha Usman Kha
and others .. Respondents

Mr Shailesh P. Katneshwarkar, Advocate for petitioner

CORAM : SUNIL P. DESHMUKH, J.
DATE : 1st August, 2018

ORDER :

1. Heard learned counsel for petitioner.
2. Petition has been preferred against concurrent findings in respect of prima facie case, balance of convenience and irreparable loss required to be taken into account at the time of considering grant of temporary injunction.
3. Perusal of the orders passed hitherto show that beyond making a claim that petitioner's father being a protected tenant, the petitioner has not been able to show his possession over suit property.

4. Appellate court in paragraphs no. 9, 10 and 11 of its judgment has given reasons and petitioner has not been able to refute the same and to show possession over the property. The courts have scanned the material available at the stage of interim relief application and having regard to the same claim of petitioner for temporary injunction is found to be not sustainable for want of material supporting his possession.
5. Having regard to reasons appearing in paragraphs no. 9, 10 and 11 in order of appellate court, it does not appear that orders passed by the authorities can be faulted with.
6. Writ petition is not being entertained and is rejected.
7. Petitioner may request the trial court to go on with suit expeditiously.

SUNIL P. DESHMUKH,
JUDGE

pnd/-