

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

903 WRIT PETITION NO. 3832 OF 2018

JAYSHREE SURESH THOMBARE
VERSUS
RAMRAO EKNATH THOMBARE AND ANOTHER

...
Advocate for Petitioner : Mr. K. N. Shermale.
Advocate for Respondents : Mr. A. T. Kanawade.
...

CORAM : **V. L. ACHLIYA, J.**
DATE : 24th April, 2018.

ORDER:

. The Petitioner has preferred this petition challenging the order passed by both the Courts below rejecting the application seeking temporary injunction.

2 Heard the learned counsel for Petitioner and the learned counsel for Respondents. The learned counsel for Petitioner has referred and relied upon the decisions of this Court in the case of ***Baburao Ganpat Gite Vs. The State of Maharashtra through Ashwi Police Station, Dist. Ahmednagar and others***, dated 22nd December, 2016, in Contempt Petition No.508 of 2016 in Criminal Writ Petition No.274 of 2016 (Coram: S.S.Shinde & P. R. Bora, JJ.) and in the case of ***Santosh Tukaram Udmale and others Vs. Shaila Vinod Udmale***

and others, dated 2nd September, 2016, in Writ Petition No.8957 of 2016 (Coram : T. V. Nalawade, J.).

3 On due consideration of submissions advanced, I am of the view that no case is made out to interfere with the impugned order in exercise of writ jurisdiction under Article 227 of the Constitution of India. There appears to be dispute as to the identity of the property owned by the Petitioner. It is a case of Petitioner himself that he is not in possession of the property as per description and boundaries mentioned in the sale deed executed by his vendor. It is the case of Respondents – Defendants that the sugarcane crop is lying in his own field and not in the field of Petitioner – Plaintiff. According to the Respondents, no crop of sugarcane standing in the field of Petitioner. On the contrary, he has taken crop of wheat in his field.

4 In view of the facts discussed above, the Trial Court was fully justified in refusing to grant temporary injunction in favour of Petitioner. The cases referred and relied upon by the learned counsel for the Petitioner have no bearing upon the facts of the present case. In that view, the order impugned calls for no interference. The petition stands dismissed.

5 It is clarified that the observations as made above are made for the limited purpose of deciding this petition and same shall not be treated as observations made as to the merit of the case.

[V. L. ACHLIYA, J.]

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