

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

WRIT PETITION NO.9445 of 2018

Jagannath Ramkishan Chavan & ors.

Petitioners

VERSUS

Navnath Gahininath Chavan

Respondent

...

Mr. N.R. Thorat, Advocate for the petitioners

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CORAM : RAVINDRA V. GHUGE, J.

DATE : 29th OCTOBER, 2018

PER COURT :

1 The petitioners are aggrieved by the interlocutory order dated 26.07.2018, passed by the Appellate Court thereby refusing interim relief to the petitioners, who are original defendants in R.C.A. No.35/2018. The grievance is that the trial Court has decreed R.C.S. No.75/2015 by declaring that the plaintiff is the exclusive owner of the suit property and defendant Nos.1 to 3, or anybody claiming through them, be permanently restrained from causing any obstruction in the plaintiff's possession over the suit property.

2 Learned counsel for the petitioners has strenuously criticized

the impugned order and has drawn my attention to the eight grounds formulated in the memo of the petition.

3 I find that the trial Court has merely delivered a declaration of ownership and has concluded that the plaintiff is the exclusive owner of the suit property. It was proved before the Trial Court that the plaintiff is in possession of the suit property. As such, I do not find that the Appellate Court has committed any error in refusing interim relief to the petitioners.

4 Considering the above, this petition, being devoid of merits, is therefore dismissed. However, if the petitioners pray to the Appellate Court for an expeditious hearing of R.C.A. No.35/2018, the Appellate Court may consider the said request.

[RAVINDRA V. GHUGE, J.]

Donge/-