

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

WRIT PETITION NO. 11938 OF 2018

**AKHATARBI LALASAHEB SHAIKH AND OTHERS
VERSUS
FATEMABI SULEMAN SHAIKH**

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Advocate for Petitioners : Mr Jayabhar S.D.

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CORAM : N.M. JAMDAR, J.

Dated : 21 November 2018

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PER COURT :-

The petitioner has challenged the concurrent orders passed by the learned Civil Judge S.D., Latur and the learned District Judge, Latur granting injunction in favour of the respondent/plaintiff. The learned Civil Judge granted injunction on 8.8.2014 and appeal filed by the petitioner is dismissed on 9.4.2018. Both the courts have found that respondent/plaintiff had proved his prima facie case as there are two agreements in favour of the respondent/plaintiff with requisite recitals, which prima facie show that respondent/plaintiff is in possession. As against these documents, it is only a oral version of the petitioner. Learned counsel for the petitioner contended that, agreements are

bogus and it is held in RCS No.202/2010 predecessor-in-title title of the respondent/plaintiff did not convey the entire property. These aspects are to be considered at the time of trial.

2. In the circumstances, use of discretion by both the courts below cannot be said to be perverse. Writ petition is accordingly disposed of. It is made clear that observations made in both the orders are prima facie.

(N.M. JAMDAR, J.)

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