

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

912 WRIT PETITION NO.12825 OF 2018

Babruwan Kondiba More

Petitioner.

Versus

Hiralal Kondiba More and others.

Respondents.

...

Advocate for Petitioner : Mr. Patil Indrale Anand V.

Coram : N.M. Jamdar, J.

Dated : 11 December 2018

PER COURT :-

By this petition, the original defendant no.1 has challenged the concurrent orders passed by the learned Civil Judge and the learned District Judge, granting injunction in favour of respondent nos. 1 and 2 the original plaintiffs. Respondent nos. 1 and 2 in RCS No.281/2013 have sought relief of injunction against the petitioners on the premise that they are in possession pursuant to a partition that has taken place in the year 1997.

2. Both the Courts have held that prima facie

respondents/plaintiffs are in possession and are entitled to injunction. Injunction is operating since the year 2013. Learned counsel for the petitioner submitted that, petitioner has filed RCS No.389/2017 in the same court seeking partition. It is the case of the petitioner that there has been no partition and properties continued to be joint and he submitted that it will be appropriate that both the suits are taken together. Request made is reasonable. The concerned judge will consider the request made by the petitioner for clubbing these two suits together after giving notice to the respondents/defendants in the said suits. With these observations, writ petition is disposed of.

(N.M. Jamdar, J.)

...