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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.4846 OF 2018

Uday Shamrao Patil	...	Petitioner
V/s.		
Jyoti Santaji Patil and ors	...	Respondents

Mr. Niranjan Bhavake, for the Petitioner.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 18th APRIL, 2018.

P.C. :

- 1] Heard learned counsel for the petitioner.
- 2] By this petition filed under Article 227 of the Constitution of India, the petitioner is challenging the order dated 12.3.2018, passed by District Judge-4, Sangli, thereby dismissing Misc. Civil Appeal NO.38 of 2018, which was preferred by the petitioner against the order passed below Exh.5 in Special Civil Suit No.187 of 2017 on 20th February, 2018, by Civil Judge Senior Division, Sangli.
- 3] Application at Exh.5 was preferred by the present petitioner, who is plaintiff before the trial Court, seeking relief of interim injunction restraining respondent from causing any sort of obstruction to his possession over the suit property. The suit was filed

for preemption, declaration and injunction in respect of the suit property.

4] The trial Court and Appellate Court, have recorded concurrent finding of fact that the petitioner has failed to prove that there was no partition of the property. It was categorically held that defendant No.18 has placed on record partition deed dated 1st February, 2000, wherein it is stated that the partition of landed property has been effected between them and accordingly they are in possession of the same. So also partition of house property is also effected and it is also in their possession as per partition. In view thereof, both the Courts have held that the partition has been effected by metes and bounds and everyone is having in separate possession of their respective share.

5] In view of there is no ground made out to interfere in the impugned order. Hence Writ Petition stands dismissed.

[DR.SHALINI PHANSALKAR-JOSHI, J.]