

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

WRIT PETITION (ST) NO.27218 OF 2014

Balwant Sakharam Shevade and Ors. .. Applicants

V/s.

Eknath Shripati Khot and Ors. .. Respondents

Mrs.Vrushali Penkar I/b Mr.Bhushan Walimbe for the applicants

CORAM: K.K. TATED, J

DATED : NOVEMBER 29, 2018

P.C. :

1 Heard.

2 By this petition under Article 227 of the Constitution of India, the Petitioner challenges the concurrent finding of fact recorded by both the courts below.

3 In the present proceedings, Petitioner original plaintiff, filed Regular Civil Suit No. 3 of 2014 before the Civil Judge, Junior Division Shirala for cancellation of registered sale deed dated 12.11.2013 in favour of Respondent nos.1 to 3 original defendants and also injunction from disturbing Petitioner's possession in respect of the suit property which is described in paragraph 1 of the plaint. In that suit, Petitioner preferred Application below Exhibit-5 for injunction restraining

Respondent from disturbing their possession till the hearing and final disposal of the suit. Both the courts relied on Exhibit- 47 and held that Petitioner failed to prove the possession in respect of open plot of land and rejected Petitioner's Application for injunction.

4 Considering the concurrent finding of fact recorded by both the courts relying on Exhibit-47, I do not find any reason to entertain present Writ Petition under Article 227 of the Constitution of India. Hence, Writ Petition stands rejected.

5 Considering the facts and circumstances of the present case, hearing of Regular Civil Suit No. 3 of 2014 is expedited.

(K.K. TATED, J.)