

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

WRIT PETITION NO.14024 OF 2017

Revappa Veerappa Yedavnnavar & Anr. .. Petitioners
Vs.
Siddharud Rudrappa Mense & Ors. .. Respondents

Mr.Surel Shah a/w Mr.S.R. Karpe for the petitioners.
Mr.R.S. Alange for the respondent nos.1, 2 & 4.

CORAM : R.D. DHANUKA, J.
DATE : 14th September 2018

P.C.:

. By this petition filed under Article 227 of the Constitution of India, the petitioners have impugned the order dated 3rd August 2017 passed by the learned District Judge-5, Solapur allowing the Civil Misc.Appeal No.73 of 2017 filed by the respondents (original plaintiffs) thereby impugning the order dated 2nd August 2014 passed by the learned trial Judge rejecting the application for interim relief below Exhibit-5.

2. It is the case of the petitioners that they have purchased the suit property from the respondent nos.1 and 2 under the registered sale deed. On the other hand, it is the case of the respondents that the respondents had issued a public notice in the daily newspaper at large. The appellants, however, did not raise any objection though the appellants are resident of Bangalore City. The learned trial Judge after considering various documents has rendered a prima facie finding that the original plaintiffs were in possession of the suit property and has

granted interim relief in favour of the original plaintiffs. The order was passed by the learned District Judge-5, Solapur on 3rd August 2017. No interim relief has been granted by this Court in this petition since filing of this petition.

3. In my view, no case is made out for interference with the impugned order dated 3rd August 2017. It is however made clear that the observations made by the learned District Judge-5, Solapur being prima facie, the learned trial Judge shall decide the suit on its own merits without being influenced by the observations made and the conclusions drawn by the learned District Judge-5, Solapur in order dated 3rd August 2017. Writ petition is dismissed with aforesaid clarification. No order as to costs.

R.D. DHANUKA, J.