

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

APPEAL AGAINST ORDER NO. 38/2017

Charandas Jairam Kamble

..VS..

Bhaurao S/o Laxman Warhade & ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.C. Bhalerao, Advocate for the appellant(s)
Shri P.M. Pande, Advocate for the respondents

CORAM : Z.A.HAQ, J.

DATED : 16/04/2018

Heard.

The civil suit filed by the appellant (original plaintiff) praying for decree for injunction restraining the defendants from interfering with possession of the plaintiff over the suit field is dismissed by the trial Court.

The plaintiff has filed appeal before the District Court which is pending. During the pendency of the appeal, the plaintiff had filed an application praying for temporary injunction which is dismissed by the impugned order.

The learned District Judge has recorded that the plaintiff had not been able to show that he was in possession of the suit field at the time of filing of the civil suit. In para no. 14 of the impugned order, the learned District Judge has recorded the facts which prima facie, show that the defendant no. 5 had been in possession of the suit field since 2010. The appellant has not been able to point out any illegality or perversity in the conclusions of the learned District Judge which necessitates interference by this Court with the

impugned order.

I see no reason to interfere with the impugned order.

The appeal is dismissed. In the circumstances, the parties to bear their own costs.

As the appeal is of 2015, the learned District Judge is requested to dispose the appeal within six months.

JUDGE

Ansari