

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

8 WRIT PETITION NO.1940 OF 2014

HABIBKHAN AFZALKHAN PATHAN
VERSUS
DHULE MUNICIPAL CORPORATION

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Advocate for Petitioner : Mr. Anand P. Bhandari.
Advocate for Respondent : Mr. Subodh P. Shah.

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CORAM : **T. V. NALAWADE, J.**
DATE : 13th February, 2019.

PER COURT:

. The petition is filed to challenge the order made by the learned Civil Judge Junior Division, Dhule on Exhibit-106 in Regular Civil Suit No.132 of 2003.

2 Both the sides are heard.

3 The suit is filed by present Petitioner for relief of injunction simplicitor. By filing application at Exhibit-106, the Petitioner, Plaintiff had requested the Trial Court to issue witness summons against the employees of the Respondent, Corporation and they were to come with some record with regard to the disputed property. The submissions made show that the Plaintiff is interested particularly in

so-called approved layout plan and he wants to produce the so-called layout plan, which may be in the custody of the local body.

4 This Court has carefully gone through the amended issues framed on 22nd August, 2013. The first amended issue is against the Plaintiff and the Plaintiff is expected to show that he has been in settled possession of the suit property on the date of suit. This issue speaks volume about the nature of possession of the Plaintiff. It is a clear attempt to protract the things from the Plaintiff. It appears that the Corporation has issued the notice against the Plaintiff to remove unauthorized construction appearing on the open space. It can be said that by filing the suit in the year 2003 and by filing the present proceeding and getting the interim order from this Court in the year 2014, for about 16 years, the Plaintiff protected his possession. In view of these circumstances and as the record, if any, must be available with the Plaintiff, this Court holds that no error is committed by the Trial Court in rejecting the application. The petition stands disposed of.

[T. V. NALAWADE, J.]