IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.11928 OF 2019

GAJANAN TULSIRAM MANKAR
VERSUS
CHANDRAKANT BALA MORE AND ANOTHER

Mr.S.S.Randive, Advocate for the petitioner.
Mr.R.K.Jadhavar, Advocate for respondent No.1.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 01/10/2019

PER COURT :

1. The petitioner/original defendant is aggrieved by the judgment and order dated 27/02/2019 passed by the Appellate Court, by which MCA No.177/2018, filed by the original plaintiff, has been partly allowed. Defendant No.1 has been restrained from causing obstructions to the peaceful enjoyment and possession of the plaintiff over the suit property. Liberty is granted to follow the due procedure of Law in the event the defendant desires to alter the position.

2. The learned Advocate for the petitioner/defendant has strenuously criticized the impugned order and has drawn my attention to the 16 grounds formulated in the memo of the petition.

He has drawn my attention to the various documents placed on record in the petition paper book. It is contended that the plaintiff has indulged in acts of forgery and impersonation. Different proceedings are pending against him.

3. The learned Advocate for the original plaintiff has supported the impugned judgment and prays that the petition be dismissed with costs.

4. I find that the Appellate Court has granted an equitable relief to the petitioner/defendant by passing the following order :-

> "*Defendant No.1 or any person on his behalf is temporarily restrained from causing obstruction to peaceful enjoyment and possession of plaintiff over the suit property,* ***without following due course of law,*** *till final disposal of the suit."*

5. The Hon'ble Apex Court has laid down the Law in Syed Yakoob Vs. K.S. Radhakrishnan and others [AIR 1964 SC 447] and Surya Dev Rai Vs. Ram Chander Rai [(2003) 6 SCC 682], that unless an order appears to be perverse, erroneous and likely to cause grave injustice, there shall be no interference.

6. In view of the above, I do not find that the impugned judgment

could be termed as being perverse or erroneous or likely to cause grave injustice to the petitioner.

7. This petition, being devoid of merit, is therefore, dismissed.

(Ravindra V.Ghuge, J.)