

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 10590 OF 2019

**ASHOK KUNJILAL AGRAWAL AND OTHERS
VERSUS
SHANTILAL KUNJILAL AGRAWAL AND OTHERS**

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Advocate for the Petitioners : Shri M. R. Sonwane

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 20th SEPTEMBER, 2019.

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PER COURT :

1. The petitioners / original plaintiffs are aggrieved by the order dated 08/03/2017 passed by the Trial Court, by which, application Exhibit 5 filed by the petitioners seeking temporary injunction in Regular Civil Suit No. 252/2016, has been rejected. The petitioners are also aggrieved by the judgment delivered by the Appellate Court dated 25/01/2019, by which, Misc. Civil Appeal No. 64/2017, has been dismissed.

2. It is pointed out that Misc. Civil Appeal No. 51/2017 filed by original defendant No.1 seeking injunction, has also been rejected.

3. I have considered the strenuous submissions of the learned Advocate for the petitioners, original plaintiffs. I have gone through the 18 grounds formulated in the memo of the petition.

4. The Trial Court while rejecting application Exhibit 5 has come to a conclusion that it is the plaintiffs who have themselves lodged an offence with a police station contending that they have been forcibly dispossessed of the suit property by the defendants. Defendant No. 1 is the real brother of plaintiff Nos. 1 and 2. Considering that the plaintiffs have themselves lodged a police complaint admitting that they are not in possession, the Trial Court declined to grant any injunction to the plaintiffs.

5. The Appellate Court while considering the Miscellaneous Appeal has perused the record before it and has found that the plaintiffs have conceded that they have lost their possession. The plaintiffs have attempted to suggest that they got back the possession in June 2015. However, there is no record or evidence at a *prima-facie* stage to believe such contention and

the Courts below, therefore, concluded that such a contention was for self-serving purposes.

6. In view of the above, I do not find any merit in this petition. The same is, therefore, dismissed.

(RAVINDRA V. GHUGE, J.)

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