

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6041 OF 2019

Syed Shafauddin Syed Khutubuddin ...Petitioner

Versus

Navnath Baburao Shimple & Anr. ...Respondents

.....

Mr. Shoyab Shaikh, Advocate for the Petitioner.

Mr. N.T.Bhagat, A.G.P. for Respondents.

.....

CORAM : RAVINDRA V. GHUGE, J.

DATE : 12-07-2019.

PER COURT :

01. The petitioner is aggrieved by the Order dated 8.7.2013 passed by the Trial Court, vide which, application Exh. 5 in R.C.S. No. 41/2013 has been allowed and the petitioner-defendant is temporarily restrained from obstructing and interfering in the peaceful possession of the plaintiff over the said property. By Judgment dated 12.4.2018 the Appellate Court has dismissed M.C.A. No. 35/2013.

02. The learned Advocate for the petitioner has strenuously criticized the impugned Order. He draws my attention to the 12 grounds formulated in the memo of the

petition. He contends that the plaintiff is enjoying the suit property beyond the limits of the boundaries mentioned in the sale deed.

03. Both the Courts have concurrently held that the plaintiff is in possession. Reasons are assigned while passing the said Orders. The suit is of 2013.

04. I do not find any reason for causing any interference in the impugned Orders.

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

06. R.C.S. No. 41/2013 shall be decided expeditiously by the Trial Court subject to the directions set out by the Appellate Court in the Judgment date 12.4.2018 in M.C.A. No. 35/2013. An endeavour shall be made to dispose off the said suit on or before 15.7.2020.

[RAVINDRA V. GHUGE]

JUDGE

Dahibhate/-