

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4550 OF 2018

Ramchandra Pandurang Supanekar and Ors. ...Petitioners

vs.

Pandurang Sakharam Jadhav and Ors. ...Respondents

Mr. N.N. Pawar, for the Petitioners

Mr. U.R. Mankapure, for Respondent Nos. 1A, 1B, 2 and 3.

CORAM : M. S. SONAK, J.

DATE : APRIL 11, 2019

P.C.:

. Heard Mr. N.N. Pawar, learned counsel for the Petitioners and
Mr. Mankapure, learned counsel for the Respondents.

2. The challenge in this Petition is to the orders dated 18th June, 2016 and 2nd April, 2018 by which the learned trial Court and Appeal Court have declined the interim relief in favour of the Petitioners. From the perusal of the two orders, it is cleared that one of the main reason for which the interim relief was declined to the Petitioners was that the Petitioners did not approach the Court with clean hands. The record indicates that vital Sale Deed on the basis of which the Petitioners claims reliefs was not produced before the Trial Court. Subsequently, when the Sale Deed was

produced before the Appeal Court, the Appeal Court found that though the Sale Deed had been communicated in boundaries qua the suit property in the Plaint, the suit property was described with boundaries. There is also a *pr`ima facie* finding that the vendor from whom the Petitioners purchased the suit property did not have the authority to transfer the suit property in favour of the Petitioners.

3. According to me, there is no perversity in the two impugned orders. No doubt, all these are *prima facie* findings and these findings need not influence the learned trial Judge whilst deciding the suit on merits. However, this is not a fit case to warrant interference under Article 227 of the Constitution of India. Accordingly, this Petition is dismissed.

4. The learned trial Judge is directed to dispose of the main Civil Suit on merits as expeditiously as possible and not be influenced by the observations made in the two impugned orders and for that matter in the present order.

5. The Petition is disposed of with the aforesaid terms.

6. There shall be no order as to costs.

7. The learned counsel for the parties states that they will cooperate with the trial Judge for the expeditious disposal of the suit.

8. All concerned to act on the basis of authenticated copy of this order.

(M. S. SONAK, J.)