

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.1572 OF 2019

(SHAIKH BHARU SHAIKH BISMILLA...VS.. VIJAY SHIVSHANKAR KARALE & ANR.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Mahesh Rai, Advocate for Petitioner.

CORAM : Z.A.HAQ, J.

DATED : FEBRUARY 27, 2019.

Heard.

In the civil suit filed by the petitioner/ plaintiff, the respondents/defendants filed counter claim and also application under Order 39 Rules 1 and 2 read with Section 151 of the Code of Civil Procedure seeking temporary injunction restraining the plaintiff from disturbing their possession over 1 Hectare 23 Are of field Gut No. 237 and 0 Hectare 79 Are of field Gut No. 238. The subordinate Courts have concurrently upheld the claim of the defendant that he is in possession of the portion of the fields in question purchased by him by the sale-deed executed by the plaintiff in their favour. After examining the material placed on record, I find that the subordinate Courts have adverted to the relevant aspects and after being satisfied that the defendants have *prima-facie* established that they are in possession of the suit property have upheld the claim of the defendants for temporary injunction. The petitioner has not been able to point out any illegality or perversity in the impugned order which necessitates interference by this Court in the extraordinary jurisdiction.

The writ petition is **dismissed**. No costs.

JUDGE