

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

WRIT PETITION NO. 806/2019

Mohammad Aminullah Rizvi Sheikh

..VS..

Mohammad Atiqur Rahman & ors.

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

Court's or Judge's orders

Shri S. Raisuddin, Advocate for the petitioner

CORAM : Z.A.HAQ, J.
DATED : 06/02/2019

Heard.

The original plaintiff has challenged the orders passed by the subordinate Courts concurrently rejecting his claim for temporary injunction restraining the defendants from interfering with his possession over the suit property. The facts on record show that at the time of filing of the civil suit, the plaintiff admitted that the defendant no. 1 was in joint occupation of the suit property alongwith the plaintiff. The defendant nos. 2 and 3 purchased the share of the defendant no. 1 by sale-deed registered on 20/07/2017.

According to the plaintiff, the defendant no. 1 vacated the property in his possession and since then, the plaintiff is in exclusive possession of the entire suit property. The subordinate Courts have examined the pleadings and the documents on record and have rightly negated the claim of the plaintiff for temporary injunction. It cannot be said that the subordinate Courts have committed any illegality or error

of jurisdiction which necessitates interference by this Court in the extra-ordinary jurisdiction.

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

JUDGE

Ansari