

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

916 WRIT PETITION NO.266 OF 2020

JAGANNATH ANANTA SAYKAR AND OTHERS
VERSUS
NAMDEO KUNDLIK SAYKAR AND OTHERS

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Mr. N.V. Gaware, Advocate for the petitioners.

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CORAM : **Rohit B. Deo, J.**

DATE : 7th January 2020.

PER COURT :-

. The petitioners are defendants 1 to 5 in Regular Civil Suit No. 142/2018, brought for perpetual injunction.

2. Both the Courts below have concurrently held that the plaintiffs are in possession of the suit property.

3. Having heard the learned Counsel for the petitioners and having perused and scrutinised the reasons recorded in the order impugned, I do not find any error as would warrant interference in writ jurisdiction.

4. The Courts below have recorded a finding of fact that the plaintiffs are in possession of the suit property.

5. At this stage, learned Counsel for the petitioners submits that there are some developments after dismissal of the Misc. Civil Appeal, which may have some bearing on the issue involved. Learned Counsel would therefore submit that the petitioners may be permitted to renew the request for temporary injunction in the light of subsequent developments.

6. If there are subsequent developments, which have any bearing on the entitlement to temporary injunction, it is always open for the petitioners to take out an appropriate motion, which shall be considered by the trial Court on its own merits.

7. Subject to the aforesaid observations, the petition is disposed of.

(ROHIT B. DEO, J.)

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