

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2692 OF 2021

SUBHASH SHRIRAMLAL JAISWAL
VERSUS
RAMESH SHRIRAMLAL JAISWAL AND ANOTHER

.....
Advocate for Petitioner : Mr. P.N. Sonpethkar and Mr. R R Dhaykar
.....

CORAM : V. K. JADHAV, J.
DATED : 10th FEBRUARY, 2021

PER COURT:-

1. Heard.

2. I find no substance in this writ petition. The petitioner-plaintiff has instituted the suit simplicitor for decree of perpetual injunction. In the suit, though the respondents-defendant have raised issue about their ownership, however, by passing the impugned order, the trial court has rightly held that said issue No.3 which cast burden on defendant No.1 to prove that defendant No.1 is exclusive owner of the suit property is unwarranted and uncalled for. In the suit instituted for decree of perpetual injunction, the lawful possession of the petitioner-plaintiff over the suit land is required to be considered and nothing more than. In view of the same, I find no error in the impugned order passed by the trial court. There is no substance in this writ petition. Writ petition is hereby dismissed.

(V. K. JADHAV, J.)