

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.5126 OF 2019

Dilip Shankar Shinde Petitioner

Vs.

Rajaram Namdev Gavali & Ors. Respondents

Mr. Kalpesh U. Patil for Petitioner.

Coram : NITIN W. SAMBRE, J.

Date : 18TH FEBRUARY, 2021

P.C.:

1. The Respondents- Original Plaintiffs have initiated Regular Civil Suit No.66 of 2016 for simplicitor injunction based on the registered sale-deed dated 11th July, 1967. In the said suit, prayer for grant of temporary injunction came to be allowed, which was confirmed on 6th December, 2018 in an appeal preferred by the Petitioner-Original Defendant. As such, this petition.

2. The submissions are, the Petitioner has purchased the suit property on 23rd May, 2006, as there were no revenue entry in favour of

the Plaintiff. According to him, subsequent to his purchase, the property is already mutated in his name and that being so, he became lawful owner of the suit property. It is also claimed that the Petitioner has received possession in the aforesaid sale-deed and that being so, an injunction ought not to have been granted.

3. I have considered the aforesaid submissions.

4. Apart from the fact that there are concurrent findings against the Petitioner. This Court cannot be oblivious to the fact of execution of sale-deed in favour of the Plaintiff-Respondent way-back in six years by the same person i.e. predecessor-in-title of the present Petitioner.

5. The aforesaid issue has rightly prevailed before both the Courts. No case for interference is made out. Petition fails. Dismissed.

(NITIN W. SAMBRE J.)

