

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 4203 OF 2022

**EKNATH GANGADHAR DARANDALE AND ANOTHER
VERSUS
SHUBHANGI DINKAR DARANDALE AND ANOTHER**

...

Advocate for Petitioners : Mr. Brahme Shailesh P.
Advocate for Respondent Nos. 1 and 2 : Mr. Satyajit S. Bora

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**CORAM : NITIN B. SURYAWANSHI, J.
DATE : 28th APRIL, 2022.**

P. C.

1. The Petitioners are aggrieved by the temporary injunction order passed below Exhibit-5 in favour of the Respondents/Original Plaintiffs and the order of the Appellate Court confirming the same.
2. Though the Petitioners have challenged both these orders on merit, after hearing the rival submissions and after perusal of the record, this Court is of the considered view that, no case is made out for interfering in the concurrent finding of facts of the case recorded by both the Courts.

3. The learned Advocate for the Petitioners raised an apprehension that though the injunction is granted in respect of the lands described in the prayer clause of application Exhibit-5, in the description of the suit properties in the plaint, larger area is shown and the Respondents are trying to encroach on the property of the Defendants by taking advantage of the said injunction.

4. This argument is unacceptable as the Trial Court has passed injunction order in following terms.

“The defendants or anybody claiming through them are hereby temporarily restrained from obstructing and or interfering with the peaceful possession and enjoyment of the plaintiffs over the suit lands especially described in the prayer clause of the temporary injunction application viz 50 R out of the Block No.139, 1 H 50 R out of Block No.140/1 and 1 H out of the Block No.140/2 situated at village Shingnapur, Tq. Newasa till the disposal of the suit.”

5. Since the order passed by the Trial Court, which is confirmed by the Appellate Court is clear, it cannot be interpreted to mean that injunction is granted in respect of the entire suit property described in the plaint. With this observation, Writ Petition is dismissed.

[NITIN B. SURYAWANSHI, J.]