

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

951 WRIT PETITION NO.10627 OF 2022

**EKNATH MHASU CHAUDHARI
VERSUS
SACHIN EKNATH CHAUDHARI AND OTHERS**

...
Advocate for Petitioner : Mr.Thorat Nanabhau R.
AGP for Respondents-State : Mr.K.N.Lokhande
...

CORAM : SANDEEP V. MARNE, J.

DATE : 13.10.2022.

PER COURT :

1. By the present petition, the petitioner challenges the judgment and order dated 27.07.2022 passed by the District Judge-2 Newasa, District Ahmednagar in Misc. Civil Appeal No. 10 of 2022, thereby confirming the order passed by the Civil Judge, Senior Division, Newasa dated 22.02.2022 passed below Exh. 5. The trial Court had partly allowed petitioner's application for interim injunction restraining defendant No. 1 and 2 from alienating the suit land till final disposal of the suit.

2. The petitioner claims to be in possession of the property and was aggrieved by non grant of prayer of interim injunction not to disturb his possession. He therefore filed appeal. The District Judge has proceeded to dismiss the petitioner's appeal.

3. It is an admitted position that the petitioner had purchased the suit property in the name of his son, who was minor at the time of execution of the sale deed. Upon attaining the age of majority, the son has gifted the property in favour of his son (Petitioner's Grand Son). The petitioner is now seeking to challenge the validity of such Gift Deed praying that the same is not binding on him.

4. Considering the facts situation that emerged before me, I do not find that any error is committed by the District Judge-2 Newasa in dismissing the petitioner's appeal. The petitioner's claim is already protected by the trial Court by restraining defendant Nos. 1 and 2 from alienating the suit land till disposal of the suit. The suit property is itself protected during the pendency of the suit. No case is made out by the petitioner for interference by this Court.

5. The petition is devoid of any merits and is dismissed with no order as to costs.

(SANDEEP V. MARNE)
JUDGE

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