

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

909 WRIT PETITION NO.12810 OF 2022

**SUNDARBAI DAGADU PATIL
VERSUS
TEHSILDAR CHOPADA AND OTHERS**

...
Advocate for Petitioner : Mr. Govind G. Suryawanshi
AGP for Respondent – State : Mr. S.B. Pulkundwar
Advocate for Respondent No.1 : Mr. Mangesh G. Patil
...

CORAM : SANDEEP V. MARNE, J.

DATE : 15-12-2022

PER COURT :

1. By this petition, petitioner has challenged the order dated 05.09.2022 passed by District Judge-2, Amalner partly allowing the appeal filed by defendants in the suit and thereby setting aside the order passed by the trial Court granting temporary injunction in respect of land bearing Gat No.328.

2. Plaintiff no.1 is mother and plaintiff nos.2 and 3 are her daughters. The son of plaintiff no.1 Narendra is no more. Defendant no.1 is Narendra's wife and defendant nos.3 and 4 are Narendra's daughters. It appears that plaintiff nos.2 and 3 executed relinquishment deed in favour of their brother Narendra and mother in respect of property bearing Gat No.328. It appears that Narendra has $\frac{1}{2}$ share in the property bearing Gat No.328 and he bequeathed

his ownership by way of his Will in favour of defendant no.1 - Seema.

3. In such circumstances, the order of temporary injunction granted by the trial Court was clearly erroneous. The District Court has rightly set aside the order passed by the trial Court with regard to direction no.2. The District Court has not committed any error in passing the judgment and order dated 05.09.2022.

4. Petition is devoid of merits and the same is dismissed without any orders as to costs.

(SANDEEP V. MARNE, J.)

GGP