

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

WRIT PETITION NO. 12802 OF 2022

Majid Khan Yunus Khan Pathan
and another

.. Petitioners

Versus

Shaikh Abdul Sattar Shaikh
Mehtab and others

.. Respondents

Shri Hamjakhan I. Pathan, Advocate for the Petitioners.

**CORAM : SANDEEP V. MARNE, J.
DATE : 19TH DECEMBER, 2022.**

FINAL ORDER :

. Petitioners challenge judgment and order dated 30th June, 2022 passed by the District Judge – 1, Ahmedpur allowing Misc. Civil Appeal No. 04 of 2017 and reversing the order dated 09.02.2017 passed by the Trial Court granting injunction in favour of the petitioners/plaintiffs.

2. Admittedly, the document on the strength of which possession is claimed is an unregistered document. Consequently, same cannot be read into evidence. Furthermore, District Court has observed that revenue record shows the possession of the suit property by defendant No. 1. In such circumstances, during pendency of suit for specific performance of agreement, the petitioners are not entitled to claim any injunction. The District Judge has rightly set aside the order

passed by the Trial Court granting injunction. There is no error in the order passed by the District Judge. Petition is devoid of merits. Same is dismissed without any orders as to costs.

[SANDEEP V. MARNE, J.]

bsb/Dec. 22