

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.12729 OF 2022

SALUKRAM BHAURAO LOKHANDE AND OTHERS
VERSUS
APPARAO SALUKRAM LOKHANDE AND ANOTHER

...
Advocate for Petitioners : Mr. B. G. Sagade
...

CORAM : SANDEEP V. MARNE, J.
DATE : 14th DECEMBER, 2022

PER COURT :

1. By this petition, petitioners challenge the judgment and order dated 28.09.2022 passed by the Extra Joint District and Additional Sessions Judge, Aurangabad, rejecting Misc. Civil Appeal No. 52 of 2022 and confirming the order of the trial Court dated 09.02.2022 clamping an injunction on petitioners from alienating or creating third party interest over the suit property.
2. The District Court has also directed the trial Court to dispose of the suit within a period of one year.
3. The learned counsel for petitioners submits that petitioners do not intend to alienate or create any third party interest in the suit property.
4. Only apprehension expressed is that order dated 09.02.2022 passed by the trial Court and the order dated 28.09.2022 passed by the District Court is being misused to disturb the possession of the plaintiffs over the suit property.

5. Admittedly, there was no prayer made in the application for interim injunction for restraining petitioners from interfering with the possession of the plaintiffs nor any such injunction is granted. The order of injunction only prevents petitioners from alienating or creating third party interest over the suit property. Beyond this, there is no other order of restraint with regard to injunction over the suit property by petitioners.

6. In these circumstances, the apprehension sought to be expressed by the learned counsel for petitioners appears to be baseless.

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

[SANDEEP V. MARNE, J.]

mta