

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

WRIT PETITION NO.13502 OF 2019

SONYABAPU LAXMAN BACHKAR AND ANOTHER ... PETITIONERS

VERSUS

POPAT DHONDIBA KULAT AND OTHERS ... RESPONDENTS

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Mr. A. S. Gandhi, Advocate for the Petitioners

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 12th JULY, 2022

ORDER :

1. The petitioners are aggrieved by the order dated 17th August, 2013 passed by the learned 2nd Joint, Civil Judge, Senior Division, Ahmednagar below Exhibits-5 & 18 in Regular Civil Suit No.833/2012. The said order is unsuccessfully challenged by the petitioners by filing Misc. Civil Appeal No.144/2013.

2. Upon hearing the learned Advocate for the petitioners and on perusal of record, it appears that the trial Court has rejected the applications for temporary injunction by assigning proper reasons. The petitioners/plaintiffs have failed to produce copy of basic documents i.e. three sale deeds and therefore, the petitioners/plaintiffs failed to prove prima facie case that towards

security of loan amount, they had executed the sale deeds in favour of the defendants. So far as possession is concerned, the trial Court has held that Mutation Entry Nos.1550 and 1602 show that the defendant nos.1 and 2 have purchased suit properties from plaintiff no.1. The 7/12 extract of the suit properties stands in the name of defendant nos.1 and 2 and their names are reflected in possession column. The plaintiffs have failed to produce any documents to show that they are in possession of the suit properties.

3. In that view of the matter, the trial Court was justified in rejecting the applications filed by the petitioners. The appellate Court, by considering the records, has confirmed the order passed by the trial Court.

4. The concurrent findings of fact recorded by the Courts below are not liable to be interfered with in absence of any cogent ground made out by the petitioners. No case is made out by the petitioners to interfere in extraordinary writ jurisdiction. Writ Petition, being devoid of merits, is dismissed.

[NITIN B. SURYAWANSHI, J.]