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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 2268 OF 2020

BAPU YASHWANT SHINDE AND ORS PETITIONERS

V/s.

DR. SUBHASH TUKARAM POTDAR AND ORS ...RESPONDENTS

Mr. Manmath S. Athalye Advocate for the Petitioners

Mr. Dhananjay Rananaware a/w Mr. Manjeet Lotankar Advocate for
Respondent no. 1

CORAM : NITIN W. SAMBRE, J.

DATE: FEBRUARY 22, 2022.

P.C.:

1) Heard. Admittedly ancestors of the Petitioner-Defendant have executed sale deed in favour of predecessor-in-title of Plaintiff-Respondent. Ancestors of the Petitioner claimed to have tenancy right inspite of which sale deed is executed and possession alleged to have been handed over in favour of Respondent. Recitals in the sale deed specifically speaks of transfer of title and handing over possession inspite of tenancy rights. That being so, in my opinion, order of grant of temporary injunction does not call for any interference.

- 2) Petition as such, fails, stands dismissed.
- 3) Since the Suit is pending for last more than 5 years, hearing of the same is expedited.

[NITIN W. SAMBRE, J.]