

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION 10811 OF 2019

Ahmed Khudadad Karnale & ors. .Petitioners

Vs.

Rizwan Qutbuddin Bardi .Respondent

Mr. Sharad S. Suryawanshi i/b. Pol Legal Juris, Advocate, for
the Petitioners

Mr. R. D. Suryawanshi, Advocate, for the Respondent

CORAM : ROHIT B. DEO, J.

DATE : 08.07.2022

P. C.

. The Petitioners are the original Plaintiffs in R. C. S. 907 of 2014 which is brought seeking declaration that the Sale Deed dated 20.10.2005 executed by the Plaintiffs in favour of the Defendant be declared valid only to the extent of land admeasuring 0-42-5 HR and illegal as regards the other land which is the subject matter of the Sale Deed. Notably while the Sale Deed is executed in the year 2005, the suit is instituted after nine years. That apart, the injunction claimed is rejected by the learned trial Judge in the year 2016 and the said order is confirmed by the

Appellate Court in 2019.

2. Even de hors the said aspect I do not think that the Plaintiffs have made out a prima facie case for injunctive relief. As the situation stands today, the execution of the Sale Deed is not in dispute. The contention of the Plaintiffs that they agreed to sell only part of the property which is the subject matter of the Sale Deed, can be addressed and adjudicated only after the evidence is recorded.

3. The learned trial Judge has further noted that since the execution of the Sale Deed, the name of the Defendant is shown as occupier of the suit property in the 7/12 extract. While the Plaintiffs contend that the revenue entry is taken behind their back, the Plaintiffs are free to agitate the said issue in appropriate proceedings under the Maharashtra Land Revenue Code, 1966.

4. No case is made out for exercise of writ jurisdiction, since concurrent findings are recorded which are not shown to be unreasonable.

5. The Petition is dismissed.

(ROHIT B. DEO, J.)