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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 552 OF 2022

NARAYAN HANUMANTA ROKADE DECD.PETITIONERS
THR. LHRS SMT. CHANDRABHAGA
NARAYAN ROKADE

V/s.

ATUL SHARAD GOKHALE AND ORSRESPONDENTS

Mr. Sachin Gite advocate for the Petitioners

CORAM : NITIN W. SAMBRE, J.

DATE: FEBRUARY 16, 2022.

P.C.:

1) Heard Shri. Gite, learned counsel for the Petitioner-Plaintiff. Perused the order impugned dated 20/03/2021 passed by learned Ad-hoc District Judge-1 whereby injunction ordered by the Trial Court came to be set aside.

2) Mr. Gite would urge that status of the Petitioner-Plaintiff is that of a tenant. According to him, surrender of tenancy is without any authority. As such, there is no lawful surrender and that being so,

Respondents are required to be restrained from creating third party interest in the Suit property.

3) I have appreciated said contentions in the backdrop of findings recorded in the impugned order by the learned District Judge.

4) Admittedly the issue of surrender has been gone into by the revenue authorities at the behest of the Petitioner and the Petitioner remained unsuccessful upto Maharashtra Revenue Tribunal.

5) In the aforesaid backdrop, Petitioner is rightly held to have failed to demonstrate prima facie case in his favour. That being so, no case for interference in extraordinary jurisdiction of this Court is made out. Petition stands dismissed.

[NITIN W. SAMBRE, J.]