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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 3396 OF 2018

RAMCHANDRA GOVINDSA PAHILWAN PETITIONERS
(KSHATRIYA) AND ANR

V/s.

SHRI. ARUN VITTHALDAS PAREKH AND RESPONDENTS
ORS

Ms. Sanchita S. Thakur advocate for the Petitioners
Mr. Atul Damle, Senior counsel i/b Mr. Nikhil R. Vidwans, for
Respondent nos. 1, 2A, 3 & 4

CORAM : NITIN W. SAMBRE, J.

DATE: FEBRUARY 2, 2022.

P.C.:

- 1) This Petition is by Plaintiff questioning concurrent findings recorded by both the Courts below whereby prayer for grant of temporary injunction is rejected.
- 2) Suit of the Plaintiff is based on title for declaration and injunction.
- 3) It appears that both the Courts below appreciated recitals in

the partnership deed dated 23/05/1978 and the revenue entries in favour of Respondent-Defendant and proceeded to pass the order refusing grant of temporary injunction.

4) Ms. Thakur, learned counsel for Petitioner-Plaintiff would invite my attention to the orders passed by the Additional Revenue Commissioner, Nashik Division, Nashik on 12/04/2021 and 02/06/2021 in exercise of powers under Sections 257 and 258 of Maharashtra Land Revenue Code. According to her, Revenue authorities have held in favour of the Petitioner in regard to the mutation entry no. 534.

5) The aforesaid two orders are passed subsequently to the order of refusal of injunction by both the Courts below.

6) In the aforesaid background, Petition can be disposed of by following order.

7) Based on the aforesaid two orders by the Additional Revenue Commissioner passed on 12/04/2021 under Section 257 and order dated 02/06/2021 under section 258 of Maharashtra Land Revenue Code, Petitioner is at liberty to approach the Trial Court with prayer for grant of temporary injunction. If such prayer is made, same be

decided in accordance with law without being influenced by the earlier order of refusal of injunction.

[NITIN W. SAMBRE, J.]