

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 398 OF 2022

1. Smt. Shantabai wd/o Yashwant Kumare,
aged about 65 years, Occupation :
2. Shri Umesh s/o Yashwant Kumare,
aged about 30 years, Occupation : Pvt.
Work
3. Shri Ramesh s/o Yashwant Kumare,
aged about 32 years, Occupation : Pvt.
Work

All residents of Wadgaon, Near Police
Station, Begar Wasahat, Bapat Nagar,
Wadgaon, Tah. and District : Nagpur

.... **PETITIONERS**

// **VERSUS** //

Sau. Mangala w/o Nanaji Tawade,
aged about : 40 Years, Occupation :
Household, r/o Near Jatpura Gate
Chandrapur.

.... **RESPONDENT**

Shri M. Anil Kumar, Advocate for the petitioners.
Ms. Kirti Satpure, Advocate for respondent.

CORAM : ROHIT B. DEO, J.
DATED : 01/02/2022.

ORAL JUDGMENT :

Hearing was conducted through Video Conferencing.

2. Heard. **RULE.** With consent, the petition is heard finally.

3. By the judgment impugned, the learned Appellate Judge has reversed the order of the Trial Judge whereby the sole respondent, who is the daughter of petitioner 1 and the sister of petitioners 2 and 3, was denied injunction as regards the suit property.

4. The learned Appellate Judge evaluated the material on record and held that the daughter proved her possession qua construction admeasuring 180 sq.ft. The learned Appellate Judge relied on several documents *inter alia* the electricity bills, water bills and tax receipts.

5. Learned Counsel for the petitioners – defendants did make a serious attempt to argue that the view taken by the learned Trial Judge was a plausible view and the learned Appellate Judge erred in granting injunctive relief.

6. However, after perusing the reasons recorded by the Courts below, it is difficult to record a finding that the exercise of discretion by the learned Appellate Judge is arbitrary or is contrary to any settled principle of law. In exercise of writ jurisdiction, I would be loath to interfere in the exercise of discretion.

7. While I am not inclined to interfere with the judgment

impugned, considering the relationship between the parties, it would be in the interest of all if the suit is expeditiously decided.

8. The Trial Judge is requested to decide the Regular Civil Suit 205 of 2020 as expeditiously as possible.

9. The petition is dismissed.

JUDGE

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