

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAW) NO. 946 OF 2021
IN
WRIT PETITION NO. 3023 OF 2019

Kanta Suresh Mahant
Vs.
Dilip Pundilikrao Raut

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. S.D. Abhyankar, Advocate for applicant.
Mr. Y.A. Ganu, Advocate for respondent.

CORAM : MANISH PITALE J.
DATE : 06.05.2022.

The petitioner has filed the present application seeking urgent directions against the respondent. It is brought to the notice of this Court that by order dated 29.09.2020, this Court found that a *prima facie* case was made out by the petitioner. In view of the specific recital contained in the registered Sale Deed executed in favour of the petitioner that possession of the property was handed over to the petitioner, this Court specifically directed that the parties shall maintain status-quo as on the date of the order.

2. It is the case of the petitioner that in view of the order of status-quo granted by this Court, she continued in possession of the said property. But, thereafter, the respondent has been making attempts to disturb the possession of the petitioner. It is specifically stated in the application about such activities on the part of the respondent. Photographs have been placed on record to demonstrate how the respondent is seeking to disturb possession of the petitioner.

3. In reply filed to the present application, the respondent has not denied that he is claiming right to possession in the said property. Reference is sought to be made to an agreement alleged to have been executed on the very day on which the registered Sale Deed was executed. It is claimed that one of the clauses in the said agreement states that hand loan was taken by the respondent and upon returning the amount, the aforesaid Sale Deed would be cancelled. The said agreement is not a registered document. In any case, it cannot assist the respondent in claiming that he is in possession of the property, in view of the specific clause in the registered Sale Deed executed in favour of the

petitioner, which records that the petitioner was put in possession.

4. This Court is convinced that the respondent is seeking to disturb the status-quo granted by this Court on 29.09.2020.

5. In view of the above, the application is allowed.

6. The respondent is directed not to disturb the possession of the petitioner in the aforesaid property.

JUDGE

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