

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

WRIT PETITION NO. 2525 OF 2020

Ramkr ushna s/o Chaturlal Jaiswal
aged about 62 yers, occ. -
Agriculturist, R/o Adarsha Nagar,
Near Water Tank, Hingoli, Dist.
Hingoli.

.... **PETITIONER**

// VERSUS //

Arjunlal s/o Ratanlal Jaiswal, aged
about 85 years, Occ. - Business, R/o
Sheluwada, Post Gaiwal, Tq. Karanja
(Lad), Dist. Washim.

.... **RESPONDENT**

Shri S.R. Deshpande, Advocate for the petitioner
Shri Aparna Telang, Advocate for the respondent.

CORAM : ROHIT B. DEO, J.
DATED : 03.03.2022

ORAL JUDGMENT :

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

2. The petitioner is the original defendant in Regular Civil Suit 45 of 2016, which is instituted by the plaintiff – respondent herein, seeking permanent injunction restraining the defendant from interfering with possession qua the agricultural land, which is the subject matter of the suit.

3. The plaintiff applied for temporary injunction, which the

learned Trial Judge granted vide order dated 21.03.2017. Aggrieved, the defendant preferred Misc. Civil Appeal 3 of 2017, which is dismissed by the Additional District Judge, Mangrulpur vide judgment dated 19.03.2020.

4. Dissatisfied, the defendant is invoking writ and supervisory jurisdiction.

5. According to the plaintiff, during the pendency of the petition, there is an adjudication by the Revenue Authority, which holds that the plaintiff is not the tenant of the defendant. Mr. S.R. Deshpande, learned Counsel for the defendant would submit that the very basis of the injunction is not knocked out in view of the adjudication, and therefore, the Civil Application 388 of 2022, which the defendant- petitioner has preferred may be allowed and this Court may take a note of the subsequent development.

6. I am not inclined to oblige. The defendant is entitled to prefer an application seeking modification or vacating of the injunction, if according to the plaintiff, an important subsequent event has occurred, which would make the injunction untenable.

7. Reserving such right and liberty with the defendant, this petition is dismissed. Civil Application 388 of 2022 is disposed of.

(ROHIT B. DEO, J.)