

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY**  
**BENCH AT AURANGABAD**

**WRIT PETITION NO.11648 OF 2023**

Madhukar Manohar Garad And Others

Petitioners

Versus

Anil Vijay Garad And Others

Respondents

Mr. R.V. Gore, Advocate for the petitioners.

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**[CORAM : NITIN B. SURYAWANSHI, J.]**

**DATE : 20<sup>th</sup> SEPTEMBER, 2023**

**ORDER :**

1. Leave to correct prayer clause.
2. Petitioners/defendants are aggrieved by the order passed by learned District Judge-1, Ambad, thereby allowing application Exhibit-5, rejected by the Trial Court and restraining defendants from causing any sort of obstruction to plaintiff over the suit property till disposal of Regular Civil Suit No. 223/2021.
3. Suit is filed by plaintiff/respondent No. 1 for permanent injunction in respect of the suit property contending that from the father of defendants suit property was purchased by way of registered sale deed dated 07.01.2021. There is a specific recital in the sale deed that possession of the suit

property was handed over to the plaintiff. Trial Court rejected application Exhibit-5 filed by plaintiff. However, Appellate Court has allowed the same. Hence, the present petition.

4. It is the contention of defendants that sisters of the defendants i.e. respondent Nos. 5 and 6 have filed suit for partition of the ancestral property which includes the suit property. It is further contended that mutation entry effected on the basis of sale deed is set aside in appeal by the revenue authority.

5. That itself cannot be a ground to prima facie come to a conclusion that the registered sale deed and the recital in the same about possession should be ignored at this stage. Appellate Court by a well reasoned has rightly order allowed the application by setting aside the order passed by the Trial Court. No fault can be found with the order impugned in the present petition. No case is made out by the petitioner to exercise extraordinary writ jurisdiction. Writ petition being devoid of merit is dismissed.

**[NITIN B. SURYAWANSHI, J.]**