

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

WRIT PETITION NO.7153 OF 2022

**VISHWAS MAYANJI MHASKE
VERSUS
RAJENDRA DEVID CHABUKSWAR**

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Advocate for Petitioner : Mr. Anil M. Gaikwad
Advocate for Respondent : Mr. Himmatsinh D. Deshmukh

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 09th MARCH, 2023

PER COURT :

1. By this petition filed under Article 227 of the Constitution of India, petitioner impugns judgment and order dated 26/03/2022, passed by learned District Judge, Newasa, Dist. Ahmednagar, in Misc. Civil Appeal No.02/2022.

2. Petitioner/plaintiff has filed Special Civil Suit No.34/2021 for specific performance and permanent injunction. Along with the suit, application Exhibit-5 for temporary injunction is filed which was allowed by the trial Court and temporary injunction that respondent/defendant should not create any third party interest in the suit property and should not disturb peaceful possession of suit property of the plaintiff, is granted

3. Respondent/defendant challenged this order of trial Court by filing Misc. Civil Appeal No.02/2022, which was partly

allowed by the appellate Court by modifying the interim injunction order passed below Exhibit-5. The order not to alienate, transfer or create third party interest over the suit property by the defendant is maintained, however, injunction order not to raise obstruction, objection to the possession of suit property of plaintiff is quashed and set aside. Petitioner is aggrieved by the said modification.

4. Having heard learned advocates for the parties and after perusing the grounds raised in the petition, documents annexed to it and the impugned order, this Court is of the opinion that, the appellate Court has passed well reasoned order and no case is made out by the petitioner to interfere in the impugned order in exercise of extraordinary writ jurisdiction. Writ petition is, therefore, dismissed. However, in the facts of the present case, hearing of the suit is expedited.

(NITIN B. SURYAWANSHI, J.)