

VRJ

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.12941 OF 2022

VAIBHAV
RAMESH
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Date: 2023.11.07
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Aaba Jagu Shelake & Ors.

... Petitioners

V/s.

Tai Digambar Kengar & Ors.

... Respondents

Mr. B. A. Lawate for the petitioners.

CORAM : AMIT BORKAR, J.

DATED : NOVEMBER 7, 2023

P.C.:

1. The petitioners are original defendants against whom the respondents filed Regular Civil Suit No.197 of 2021 seeking relief of injunction not to disturb respondents' possession over the suit property and alternative possession of the plaintiffs having become owner by adverse possession. Based on unregistered agreement dated 6th January 1979 and other documents in the form of electricity bill, house tax, water tax both the Courts below recorded a finding that the plaintiffs are in settled possession of the suit property.

2. Considering the material on record, the prima facie finding recorded by the Courts below need not be interfered.

3. However, it is made clear that the observations made in the impugned orders shall not influence the Trial Court while deciding

the suit on merits.

4. The writ petition is, therefore, dismissed. No costs.

(AMIT BORKAR, J.)