

AGK

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

WRIT PETITION NO.7286 OF 2023

Suresh Babaso Lokhande & Anr. ... Petitioners
V/s.
Mangal Babaso Lokhande & Ors. ... Respondents

Mr. Sandeep Koregave for the petitioners.

Mr. Pradeep D. Dalvi with Ms. Priya Dalvi for
respondent No.6.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 26, 2023

P.C.:

1. By the impugned order, both the Courts below have rejected application for temporary injunction filed by the plaintiff (petitioner). According to the petitioner, the suit property is ancestral. Three sale deeds were executed. Defendant No.6 (respondent No.6) is third purchaser. The first sale deed handing over possession of the property in favour of third party is of the year 1999. Plaintiff No.1 attained majority in the year 1999. Plaintiff No.2 attained majority in the year 2001. Suit is filed in the year 2022.

2. Both the Courts below, considering material on record, held that the plaintiff has failed to prove possession over the suit property. Considering the reasons assigned by both the Court

below, the findings recorded by the Courts below cannot be termed as perverse calling for interference under Article 227 of the Constitution of India.

3. The writ petition is devoid of merits. The writ petition stands dismissed. No costs.

(AMIT BORKAR, J.)