

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4583 OF 2021

Gangaram Kedari Bhushari.

...Petitioner.

Versus

Shantaram Hindurao Bhushari
and Others.

..Respondents.

Mr. Dilip Bodake for the petitioner.

Coram : Sharmila U. Deshmukh, J.

Date : August 9, 2023.

P. C. :

1. The petition questions the judgment of the appellate Court dated 19th October 2019 confirming the order of trial Court passed below Exhibit-5.
2. During the hearing of petition, this Court noticed the observations of the appellate Court that before the trial Court the appellant i.e., the plaintiff has filed his affidavit of evidence when the matter was for cross examination by the defendants.
3. In the light of above, writ petition is disposed of. It is made clear that the findings of the trial Court as regards the sale deed being prior in point of time is *prima facie* observation. The trial Court is

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requested to decide the proceedings on its own merits, uninfluenced by the *prima facie* findings made in interlocutory proceedings.

[Sharmila U. Deshmukh, J.]