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

WRIT PETITION NO.792 OF 2012

Shri. Mahesh Mohanrao Dalvi

...Petitioner

V/s.

Rajashri Ajay Sawant & Ors.

...Respondents

Mr. B. K. Raje, for the Petitioner.

Mr. S. D. Patil, for Respondent No.1.

CORAM : MADHAV J. JAMDAR, J.

DATE : 17th MARCH, 2023

P.C.:

1. By this Writ Petition, the Petitioner i.e. original Defendant No.2 is challenging the legality and validity of the order dated 13th July, 2007 passed below Exh.-6 in R.A.D Suit No.471 of 2007 by the learned Judge, Small Causes Court, Mumbai as well as the legality and validity of the order dated 18th October, 2011 passed by the learned Appellate Court of the Small Causes Court at Mumbai in Appeal No.487 of 2007.

2. By the impugned order dated 13th July, 2007, the Application Exh.-6 was allowed, by which, the Defendants were restrained by an order of temporary injunction from

obstructing the peaceful possession of the Plaintiffs and also restrained from dispossessing the Plaintiffs from suit premises without due process of law. The said order was passed on 13th July, 2007 and the same has been confirmed by the learned Appellate Court on 18th October, 2011. Therefore, the said order is in operation since last more than 16 years.

3. In any case, as per the admitted position, Respondent No.1 i.e. Plaintiff is in possession of the suit premises and the Petitioner i.e. Defendant No.2 is her brother. Admittedly, the tenancy was originally standing in the name of their father.

4. Taking into consideration various factual aspects and that the impugned order is in operation for more than 16 years, there is no illegality or perversity in the impugned orders.

5. The Writ Petition is dismissed, however, with no order as to costs.

[MADHAV J. JAMDAR, J.]