

AGK

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

WRIT PETITION NO.7758 OF 2018

Kamlakar Vasant Shejwal & Anr.

... Petitioners

V/s.

Rajendra Pralhad Ghute & Ors.

... Respondents

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Mr. Ashutosh Kulkarni i/by Mr. Vaibhav R. Gaikwad for
the petitioners.

Mr. Prajakt M. Arjunwadkar for respondent No.1.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 30, 2023

PC.:

1. The writ petition arises out of orders passed on an application under Order 39 Rule 1 of the Code of Civil Procedure, 1908 restraining the defendants from disturbing possession of the plaintiff over the suit property described in paragraph 1 of the plaint.

2. The Trial Court granted injunction based on following documents: (i) sale deed dated 30 April 1998; (ii) map below Exhibit 18 prepared by the Office of Taluka Inspector of Land Records, Karad ("TILR" for short); and (iii) map below Exhibit 17. The Trial Court while granting injunction recorded a prima facie finding that land bearing Gat No.610 exists between National Highway and property of defendant, i.e. Gat No.220. The Appellate Court confirmed the said finding based on map prepared

by the office of TILR.

3. Both the Courts below have recorded prima facie finding based on acceptable material at interim state. Therefore, the findings recorded by the Courts below at this stage cannot be termed as perverse. Therefore, no interference at this stage is called for. However, it is made clear that the observations made by either of the Courts below or this Court shall not weigh the Trial Court while deciding the suit on merits.

4. This Court by order dated 20 July 2018 directed parties to maintain status quo. Said order was in force till 3 March 2022. Therefore, the order of status quo granted on 20 July 2018 is continued for a period of two weeks from today.

5. The writ petition stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)