

VRJ

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

WRIT PETITION NO.15485 OF 2023

VAIBHAV
RAMESH
JADHAV
Digitally signed by
VAIBHAV RAMESH
JADHAV
Date: 2023.12.13
18:57:48 +05'30'

Shankar Ananda Sanap (Deceased)
Through His Legal Heirs & Ors. ... Petitioners
V/s.
Shivaji Eknath Sanap & Ors. ... Respondents

Mr. Pratik Sabrad for the petitioners.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 13, 2023

P.C.:

1. The petitioners are original defendant Nos.6 and 7.
2. Respondent No.1 filed R.C.S. No.191 of 2013 seeking relief of declaration of exclusive title of the plaintiff over the suit property and the injunction against the defendants not to disturb his possession over the suit property. Respondent No.1 also filed an application for temporary injunction restraining the defendants from disturbing his exclusive possession over the suit property.
3. The Trial Court relying on revenue record from the year 1952 till filing of the suit recorded a finding that plaintiffs are in possession of the suit property. The Appellate Court has confirmed the said finding. It appears that for last more than six years, injunction is running against the petitioners.

4. On perusal of the impugned orders, it appears that the Trial Court based on 7/12 extracts and other revenue record has prima facie recorded a finding that plaintiffs are in possession of the suit property. Therefore, there is no perversity in the finding recorded by the Courts below. However, considering the nature of suit, the Trial Court is directed to decide R.C.S. No.191 of 2013 within one year from today.

5. The writ petition stands disposed of. No costs.

(AMIT BORKAR, J.)