

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Writ Petition (WP) No. 8412 of 2022

Vishnu S/o Ramji Pawar and another
Versus
Ashok S/o Jyotiram Chavan and another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri M.P.Kariya, Advocate for the petitioners

**CORAM : ANIL S. KILOR, J.
DATED : 4th JANUARY, 2023.**

By this writ petition, the order passed below Exhibit 5 dated 23rd April, 2019 passed by 2nd Joint Civil (Junior Division), Mangrulpir in Regular Civil Suit No. 97 of 2018 is under challenged whereby the application Exhibit 5 for grant of temporary injunction was rejected.

2. Learned counsel for the petitioner submits that the learned trial Court has wrongly relied upon the order of the Malmatdar and not to consider other factors which were pointed in the application Exhibit 5.

3. I have perused the documents filed alongwith petition as well as the impugned order.

4. After going through the impugned order, it can be seen that learned trial Court perused the revenue record and other documents. The learned trial Court has further relied upon the inquiry report of the Talathi wherein it was observed that there is no road to the defendants' field from Gat No.241. There was a map and it has come on the record, when the map was prepared by the Revenue Authority, the petitioner was present on the spot.

5. Thus, from the revenue record, the learned trial Court has arrived at a conclusion that *prima facie* there is no alternative road to the defendants for cultivation of their fields. The learned trial Court has further observed that the petitioner does not fulfill three requisite ingredients for grant of temporary injunction. Hence, the application was rejected by the learned trial Court.

6. After considering the findings recorded by the learned trial Court and the revenue record, I do not find any perversity in the findings recorded by the learned trial Court while rejecting the application Exhibit 5. Accordingly, the writ petition is dismissed.

[ANIL S. KILOR, J.]

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