



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.4293 OF 2023

(Prafulla Vitthalrao Dhok and others Vs. Arvind Namdeo Gedam)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. P. V. Ghare, Advocate for Petitioner.
Mr. S. S. Shingane, Advocate for Respondent.

CORAM: ANIL S KILOR, J.

DATE: 11th AUGUST, 2023.

In the present matter the learned Trial Court rejected the application Exh.5 filed by the petitioner and the same was confirmed by the learned Adhoc District Judge vide impugned judgment and order dated 15.06.2023.

2. The petitioner is claiming to be in possession over the suit property on the basis of revenue entry 7B whereas, there are sale-deeds in favour of the respondent – defendant.

3. It is the case of the petitioner that the sale-deeds are sham, fake and bogus and it was a money lending transaction. Admittedly, there is no such mention in the sale-deed and the proceeding filed in that regard before the District Deputy Registrar, Co-operative Societies, Amravati on 15.12.2022 is pending and it appears that in that proceeding no notices are issued or served upon the

respondent – defendant. It is also apparent from the record that the said proceedings before the District Deputy Registrar was filed prior to filing of the suit.

4. As far as 7B entry is concerned, the petitioner has filed the report prepared by the Talathi. After going through the said report, it is evident that the plaintiff and defendant both claimed their possession over the suit property and the persons, who were present during the said inspection, five persons had given statement in favour of the plaintiff and three in favour of the defendant. The Talathi without recording why he is of the opinion that the name of the plaintiff should be entered into 7B, has concluded to record the name of the petitioner in column 7-B of the revenue record.

5. In the circumstances both the courts below have given weightage to the sale-deeds executed by the plaintiff in favour of the defendant and denied the temporary injunction. Since, I do not find any perversity or illegality committed by both the courts below rejecting the application Exh.5 for temporary injunction, the writ petition is dismissed.

(ANIL S. KILOR, J)