



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

1 WRIT PETITION NO. 5650 OF 2023

NARAYAN JAIWANTA KANOLE

VERSUS

SIDRAM RAMDAS DORNULWAR AND OTHERS

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Advocate for the Petitioner : Mr. Vivek Vasantrao Bhavthankar

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CORAM : SHAILESH P. BRAHME, J

DATE : 16th DECEMBER 2024

PER COURT :

. Heard learned counsel Mr.Bhavthankar for the petitioner.

2. The petitioner is challenging concurrent findings of fact in rejecting the application for temporary injunction. He is original-plaintiff who has filed R.C.S No.18 of 2016 for declaration of ownership and cancellation of decree dated 12.12.2015 passed in R.C.S No. 109 of 2015.

3. The subject matter is old house no. 84 (new house no.148) situated at Rui Taluka Naigaon which is claimed to be in possession of the petitioner and of his ownership. According to the petitioner the respondent no.1 had filed collusive suit against respondent no.2 in R.C.S No.109 of 2015 and obtained a decree in respect of the present subject matter. Alongwith suit application Exhibit-5 was filed for temporary injunction. It was contested by the respondents contending that suit land is in their possession and it was originally owned by his grandfather.

4. The application of the petitioner Exhibit-5 was rejected by the trial Court on the ground that there was no documentary evidence to show title and the possession of the petitioner. The document placed on record proforma-8 of 1986-87 was held to be for fiscal purposes and not the document of title. It was recorded that the petitioner was unable to produce affidavits of the adjacent owners. The order of the trial Court was confirmed in Appellate Court. It is observed that though name of the petitioner for some period was recorded in Form No.8 that was for fiscal purposes and that would not corroborate the claim of the petitioner. While converting the plot from old number to new number, the record could have disclosed the petitioner's name.

5. I do not find that there is any perversity or patent illegality in causing interference in the concurrent finding of fact. Both the courts below have rightly appreciated the material on record and rejected the petitioner's application. There is no merit in the petition. There is no merit in the petition. Hence, Writ Petition is dismissed.

[SHAILESH P. BRAHME, J.]