



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

18 WRIT PETITION NO. 8319 OF 2024

NIVRATTI BABURAO MAHANVAR AND OTHERS

VERSUS

SUNIL SUDAM MAHANVAR AND OTHERS

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Advocate for the Petitioner : Mr. Doke K R

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CORAM : ARUN R. PEDNEKER, J.

DATE : 12th AUGUST, 2024

PER COURT:

1. Heard.
2. The petitioners / plaintiffs / applicants challenge the dismissal of interim application at Exhibit 5 in civil suit filed for partition and separate possession. In the said suit, the plaintiffs have filed an application seeking injunction against defendant no. 11 from erecting an windmill on the land which is occupied by defendant no.11. The trial court so also the appellate court has held that defendant no. 11 has purchased the property from defendants no.1 to 9 and the defendants no.1 to 9 has not entirely sold out their share in the property but a part of the suit property. The plaintiffs and the defendants are also in respective possession of the suit property and the entries to that effect is also made in the revenue record. It is also held by the appellate court that in the

event the plaintiff succeeds in establishing their claim in the suit properties as per their case, it would be properly settled from the remaining portion of Gat No.566 and the construction erected by defendant no.11 on the property purchased by it, can also be removed, if required. As such, both the courts below had refused the relief of injunction.

3. No reason is made out to interfere. The writ petition accordingly stands dismissed.

4. The observations made in the present order or the orders passed by the appellate court is limited only to the extent of deciding injunction application.

[ARUN R. PEDNEKER, J.]

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