



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

3 WRIT PETITION NO. 5943 OF 2023

MURLIDHAR VISHWAMBAR KULKARNI

VERSUS

DAYANAND MARUTIRAO BIRAJDAR

...

Advocate for the Petitioner :
Mr. M. P. Tripathi h/f. Mr. Ghute Patil Kishor J.

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CORAM : ARUN R. PEDNEKER, J.

DATE : 12th AUGUST, 2024

PER COURT:

1. Heard.
2. By the present writ petition, the petitioner is challenging the order dated 03.02.2022, whereby the appellate court has set aside the order of injunction granted by the trial court holding that the suit land was sold to the defendant by a registered sale deed dated 14.06.2000 in his favour which has been signed by the grandfather of the plaintiff as an attesting witness, so also prima facie finding of possession is also rendered in favour of the defendant on the basis of sale deed. The appellate court has taken notice of letter dated 17.07.2000 addressed to the Talathi by the advocate for the defendant stating that by a registered sale deed they have purchased the property. However, the

Talathi has failed to take mutation entry. Prima facie, the appellate court has held that the possession of suit land is with the defendant. The impugned order is already passed about 2 ½ years back .

3. Thus, this court will not issue notice to the respondent. The order passed by the appellate court stands confirmed.

4. The writ petition is accordingly dismissed, however, the learned trial court is directed to decide the suit as expeditiously as possible.

5. The observations made as regards possession so also the validity of the sale deed is prima faice only and for the purpose of deciding the interim application and the trial court would not be influenced by the orders while deciding the suit.

[ARUN R. PEDNEKER, J.]

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