



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

932 APEAL FROM ORDER NO. 37 OF 2022

HANUMANT SURYABHAN JADHAVAR

VERSUS

THE STATE OF MAHARASHTRA THR DISTRICT COLLECTOR
OSMANABAD AND OTHERS

...

Mr. Salunke Sudarshan J, Advocate for the Petitioner

Mr. V. S. Badakh, AGP for Respondent-State

Mr. Nitin Jagadale h/f Mr. Vasantrao D. Salunke, Advocate for
Respondent Nos.3 to 5

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 30/01/2024.

P. C. :

1. Heard rival submissions.
2. The appellant, who is the original plaintiff have challenged the order dated 13/11/2021 passed by the learned Principal District Judge, Osmanabad on application below Exhibit-14 in RCS No.145 of 2019, whereby the learned Principal District Judge has refused to grant temporary injunction in favour of the appellant.
3. On going through the impugned order it appears that the appellant had filed the original regular civil suit in the year 2021, but could not secure order of temporary injunction as per Exhibit-5 in the said suit. The suit appears to be dismissed in the year, 2019. It is extremely important to note that the appellant / plaintiff had not challenged the order of learned trial court of refusing the temporary injunction as per Exhibit-5. It further

appears that after dismissal of suit the appellant / plaintiff filed the aforesaid appeal on 24/10/2019 but did not file any application for temporary injunction alongwith the same. The appellant / plaintiff after about 2 years filed the aforesaid application Exhibit-14 for getting temporary injunction. It is to be noted here that no incident has been quoted by the appellant / plaintiff in his application Exhibit-14 in respect of any obstruction to his possession over the suit land at the hands of present respondent Nos.3 to 5. Thus, it appears that there is no cause for claiming temporary injunction was there at the time of filing application Exhibit-14. Moreover, the appellant / plaintiff had also not challenged the initial refusal of grant of temporary injunction in his favour by the learned trial court. The learned Principal District Judge has also observed the chronology of the incidents in the impugned order. On independent source of the fact, it appears that the appellant / plaintiff has not established *prima facie* case to grant temporary injunction in his favour though his possession over the suit land was upheld by the learned trial court. In view of the same, no substance is found in the present appeal and it stands dismissed accordingly and disposed of.

(SANDIPKUMAR C. MORE, J.)