



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

922 WRIT PETITION NO. 11594 OF 2024

SUDHAKAR ALIAS SUBHASH EKNATH RUDRE
VERSUS
KAMLAKAR ALIAS SHAM EKNATH RUDRE AND OTHERS

...

Advocate for the Petitioner : Mr. Mayur G. Deokate

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 16th OCTOBER, 2024

PER COURT:

1. Heard.
2. Petitioner / Plaintiff filed Regular Civil Suit No.199 of 2023 seeking declaration of ownership and restraining the Respondents / defendants from dispossessing the Petitioner / Plaintiff from the suit land and an application for injunction was also filed. The petitioner has also prayed that the sale deed executed in favour of defendants no.4 and 5 be set aside. The learned trial court, so also, the learned appellate court has held that defendant no.1 was originally in possession of the suit property and has transferred it to defendants no. 4 and 5 and they are in possession of the suit property. It is further mentioned that in the application filed before the Tahsildar to enter the name of the plaintiff in the suit property, panchanama was carried out, wherein it is observed

that the suit property stands in the name of defendant no.1 and the same is cultivated by defendant no.4. Both the courts have refused injunction.

3. In view of the concurrent findings of the fact that the possession is with defendants no.4 and 5, it is difficult for this court to interfere in the matter and grant injunction. All the issues are kept open to be finally decided in the suit.

4. The writ petition stands dismissed.

[ARUN R. PEDNEKER, J.]

marathe