



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

914 WRIT PETITION NO. 14670 OF 2023

SATISH SITARAM DHULGANDE AND OTHERS

VERSUS

SHIVAJI PANDHARI POLE AND ANOTHER

Mr.A.V. Patil – Indrale, Advocate for the petitioners.

CORAM : ARUN R. PEDNEKER, J.
DATED : 11.01.2024

PC :-

01. Heard learned Counsel for the petitioners. By present petition, the petitioners are challenging the injunction order granted in favour of the plaintiffs by the Trial Court as well as the order of the Appellate Court upholding the order passed by the Trial Court granting injunction.

02. Perusal of the record indicates that prima facie finding is rendered based on the documentary evidence and the affidavits that the plaintiffs are in possession so also there is prima facie finding that the plaintiffs are owners of the suit property. In view of the same, the defendants are restrained from interfering with the possession of the plaintiffs.

03. The learned Counsel for the petitioners submits that the defendants are in possession of the property. However, in view of the *prima facie* concurrent findings of both the Courts that the plaintiffs are owners and so also are in possession, the said finding on possession cannot be disturbed as the same is based on material, as is available on record. In view of the same, no case for interference is made out at this interim stage. However, in view of the submissions canvassed, it would be proper that the Trial Court is directed to decide the case as expeditiously as possible.

04. The writ petition stands disposed off.

[ARUN R. PEDNEKER, J.]