



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

905 WRIT PETITION NO. 1046 OF 2024

**CHATURABAI RAJARAM KAMBALE AND OTHERS
VERSUS
SHALUBAI CHANDRAKANT DEOKATE AND OTHERS**

...
Advocate for the Petitioner : Mr. Gundre Suraj V.

**CORAM : ARUN R. PEDNEKER, J.
DATE : 02nd FEBRUARY, 2024**

PER COURT:

1. Heard.
2. Both the courts have concurrently held that the plaintiffs are not in possession of the suit property and the same has been held in the earlier suit between the parties. The defendants are held to be in possession of the property by virtue of the sale deed and the same is observed in the earlier suit between the parties. The reliance of the petitioners on the Circle Officer panchanama has not been given weightage by the civil court; as the panchanama is carried out behind the back of the defendants. On the basis of the earlier order passed in the Regular Civil Suit No.39/2003, the court has come to the conclusion that the defendants is in possession of the suit property and as such injunction is refused. The order is confirmed by the appellate authority.

3. Both the courts have concurrently held that the defendants are in possession of the suit property, I see no illegality in the findings of the courts below.

4. Thus, there is no merit in the petition, as such, the Writ Petition is dismissed.

[ARUN R. PEDNEKER, J.]

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