



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

909 WRIT PETITION NO. 15355 OF 2023

**HIFAZAT MIRKHAN TAYYABALI MIRKHAN AND
OTHERS**

VERSUS

**DR.MOHHAMAD ABDUL GAFFAR MOHAMMAD
ABDUL QUADIR SIDDIQUI AND OTHERS**

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Advocate for the petitioners : Mr.B.S.Chondhekar
AGP for Respondent-State : Adv.P.R.Bharaswadkar
Advocate for Respondent nos.1 and 2 : Adv.S.A.Ambad

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CORAM : ARUN R. PEDNEKER, J.

DATE : 06.02.2024

P.C. :

1] The petitioners are claiming tenancy over the suit shop and the possession of the petitioners is protected by the impugned order. By the impugned order dated 27.09.2023, the order of the trial court restraining the defendants from causing any sort of obstruction into possession of plaintiffs over the suit shops till disposal of suit without due process of law is confirmed. However, by the impugned order the appellate court partly interfered with the injunction order of the trial court to the extent of temporarily restraining the defendants from alienating the suit shops till the disposal of suit.

2] The respondent is landlord. The appellate court

has held that the landlord cannot be restrained from transferring the property.

3] As long as the possession of the petitioner is protected during pendency of the proceedings, the landlord not be restrained from transferring / alienating the suit property. There is no error in the order passed by the Appellate Court. Hence, the present Writ Petition is dismissed.

[ARUN R. PEDNEKER]
JUDGE

DDC