

Shabnoor

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.4762 OF 2016

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Sadashiv Krishna Kole	... Petitioner
V/s.	
Jyotiram Dnyanu Davang	... Respondent

Mr. Prajakt M. Arjunwadkar for petitioner.

Mr. Chetan G. Patil for respondent.

CORAM : AMIT BORKAR, J.

DATED : NOVEMBER 19, 2024

P.C.:

- 1.** The petitioner (original defendant) is challenging the concurrent orders passed by the Courts below granting respondent's application for temporary injunction restraining petitioner from disturbing respondent's possession over the suit property.
- 2.** Both the Courts below recorded findings of exclusive possession based on revenue record such as 7/12 extract and record before the Authorities under the provisions of the Maharashtra Prevention of Fragmentation and Consolidation of Holdings Act, 1947.
- 3.** At prima facie stage findings recorded by the Courts below are based on relevant documents. Moreover, the interim injunction granted in favour of the respondent is in force since

2015; hence, no interference is called for. However, all contentions raised by the petitioner on merits can be raised at the time of final hearing of the suit. The writ petition stands disposed of.

4. The Trial Court shall pass order on merits uninfluenced by the observations made in the impugned order as also in this order.

(AMIT BORKAR, J.)