



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

SECOND APPEAL NO.397 OF 2022

Smt. Kamlabai Pundlikrao Kambale and others .Vs. The Collector, Collector office,
Amravati and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.M. Tirukh, Advocate for appellants/applicants
Ms Deepa I. Charlewar, A.G.P. for respondents/State.

CORAM : SANJAY A. DESHMUKH, J.

DATED : 20/08/2024

1. The learned A.G.P. for the State seeks time to submit the order which can be seen from 7/12 extract from the suit property in other rights column bearing No. V.P.S. 136 of 1741 as per Section 51 of the Maharashtra Village Panchayats Act, 1959.
2. The Tahsildar, Chandur Bazar or the Collector, Amravati shall file said order on record till **30.08.2024**.
3. The learned A.G.P. is directed to communicate this order to the Tahsildar, Chandur Bazar and the Collector, Amravati.
4. Registrar (Judicial) is also directed to communicate this order to the Tahsildar, Chandur Bazar and the Collector, Amravati.
5. Call record and proceedings.
6. Stand over to **30.08.2024**.

CIVIL APPLICATION (CAS) NO.696 OF 2024

7. This is an application for granting temporary injunction.

8. The learned advocate for the applicants pointed out judgment and decree of the learned trial Court and submitted that, these appellants are in possession of the suit property since 2007. He further pointed out that, in view of the settled position of the applicants, till the decision of the appeal, if the temporary injunction is granted there will be no harm to the respondents.

9. The learned A.G.P. for the State strongly objected the application and submitted that the applicants have lost the trial Court as well as the first appellate Court. Considering this aspect, the application deserves to be rejected. It is lastly prayed to reject the application.

10. Perused the impugned judgment as well as judgment of the learned trial Court.

11. The applicants are in possession of the suit property. Thus, there is *prima facie* case in favour of the applicants. If the application is not allowed the applicants suffered irreparable loss.

12. Considering this aspect, particularly settled position of the applicants, it would be proper to protect their possession by granting temporary injunction in their favour. The application deserves to be allowed. The application is **allowed** as prayed for.

13. Applicant is directed to communicate this order to the absent-respondent No.3.
14. The application is **disposed of**.

(SANJAY A. DESHMUKH, J.)