



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 8073 of 2023

Javalkishore s/o Devrao Lanjewar and ors. ..vs.. Ramprasad Balkrishan Kadav and ors.]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S. G. Karmarkar, Advocate for the petitioners
Mr. M. I. Dhattrak, Advocate for respondent nos. 5 and 6

CORAM : ANIL L. PANSARE J.

DATED : 26-11-2024

Heard.

2. The grievance is that the trial Court and the first appellate Court have not considered the documents while rejecting the application filed by the petitioner – plaintiff under Order 39 Rules 1 and 2 of the Code of Civil Procedure, 1908.

3. The petitioners with a plea that they are in possession filed an application seeking injunction against the respondents – defendants to restrain them from interfering with alleged peaceful possession of the petitioners. The Courts below, by relying upon the judgment and decree passed in earlier suit being Regular Civil Suit No. 95/1991 read with judgment dated 3-9-2003 in Regular Civil Appeal No. 116/1998 wherein it was held that the petitioners were not in possession of the suit property, has rejected the application.

4. In addition, the trial Court has granted injunction in favour of respondents – defendants restraining the petitioners from disturbing their possession.

5. Learned counsel for the petitioners has invited my attention to certain documents which were issued by Sarpanch and some other private persons, which indicate that the petitioners are in possession of the suit property. These documents, however, do not carry any evidentiary value and will not supersede the judgment and decree passed by the Courts below in earlier suits. If at all, the petitioners were in possession of the suit property, which is agricultural land, the petitioners could have well obtained authenticated document from the Talathi concerned. Having not done so, I do not find any reason to interfere with the orders impugned. The writ petition is accordingly dismissed.

(Anil L. Pansare, J.)