

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3372 OF 2025

Badroddin Kamroddin Sayyad

VERSUS

Rashid Bashir Shaha

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Advocate for the Petitioner : Mr. Sonavane Narendra D.

Advocate for Respondent : Mr. Niranjana Vasant Dhake

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : JULY 09, 2025

PER COURT :-

1. Heard learned advocates appearing for respective parties.
2. The petitioner impugns order dated 29.07.2024 passed by Joint Civil Judge, Junior Division, Gangapur below Exhibit-5 in Regular Civil Suit No.187 of 2024 as well as order dated 21.01.2025 passed by Ad-hoc District Judge-2, Vaijapur in Misc. Civil Appeal No.22 of 2024 by which application of petitioner/plaintiff for grant of temporary injunction is declined.
3. On *prima facie* consideration of submissions, there appears dispute as to boundary. According to plaintiff, defendant has raised construction by encroaching upon his land. However, since there is no authentic document confirming such encroachment, the Trial Court as well as Appellate Court refused to grant temporary injunction as prayed.

4. At this stage, Mr. N.D. Sonavane, learned advocate appearing for petitioner submits that petitioner/plaintiff would file appropriate application for appointment of Court Commissioner and based on the result of measurement by Court Commissioner, he shall be given liberty to file appropriate application for grant of temporary injunction. With these submissions, he seeks permission to withdraw this writ petition.

5. In result, writ petition stands disposed of as withdrawn with liberty in favour of petitioner to file an application before Trial Court seeking appointment of Court Commissioner for measurement of respective plots and subject to result of measurement by Commissioner, the petitioner/plaintiff shall be entitled to file a fresh application seeking injunction.

(S.G. CHAPALGAONKAR, J.)