



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

1028 WRIT PETITION NO. 9489 OF 2023

RAMESHWAR NAMDEO GAIKWAD AND ANOTHER
VERSUS
ASHOK ANNA SANGALE AND OTHERS

...

Advocate for the Petitioners : Mr. Kanawade Ajay T.
Advocate for Respondent No. 3 : Mr. agargoje Ankush Nivrutti

...

CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 16.12.2025

PER COURT :

1. Heard the learned Counsel for the respective parties.
2. By way of this petition, the petitioners are assailing the order dated 28.02.2023 passed below Exhibit 28 by the Civil Judge, Senior Division, Sangamner, in RCS No. 452 of 2011, whereby the application filed Original Defendant/Petitioners came to be rejected.
3. Learned Counsel Mr.Kanawade, for the petitioners submits that the trial Court had granted injunction in favour of the petitioners and respondents were obstructing their peaceful possession by not permitting them to cultivate the said land, therefore, to implement the order passed by the learned trial Court below Exh.5 the police aid is necessary.
4. I have gone through the order passed by the learned trial Court. The trial Court observed that the application below Exh. 20 for

grant of temporary injunction filed by the petitioners was granted thereby, restraining the respondents from obstructing peaceful possession of the petitioners. The temporary injunction was granted only on the basis of prima-facie case. Petitioners did not tender any evidence that the obstruction was caused by the respondents. Whereas, the respondents have filed documents showing that they were at their work place at the relevant time. Therefore, it cannot be concluded that the respondents had caused obstruction to the petitioners. Therefore, I find no reason to interfere with the the order dated 28.02.2023 passed below Exhibit 28 by the Civil Judge, Senior Division, Sangamner, in RCS No. 452 of 2011 under Article 227 of the Constitution of India.

5. In view thereof, the Writ Petition is dismissed. No order as to cost.

6. However, the petitioner are at liberty to initiate appropriate proceeding under Order XXXIX Rule 2A of the C.P.C., if there is any breach of order of injunction granted by the trial Court.

(SIDDHESHWAR S. THOMBRE, J.)