



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 4121 OF 2025

SHAIKH RAHEMAN SHAIKH VAJIR
VERSUS
SHILABAI SUNIL CHAUDHARI AND ANOTHER

...
Mr. Shaikh Tarek Mobin H., Advocate for the Petitioner.
Mr. S. V. Dixit, Advocate for Respondent Nos.1 and 2.
...

**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 18th JUNE, 2025.**

P.C.:-

1. The present Writ Petition takes exception to order dated 10.03.2025 passed below Exhibit-5 in Miscellaneous Civil Appeal No.39/2024 by learned District Judge, Jalgaon, by which prayer of petitioner seeking stay to execution and implementation of order passed below Exhibit-5 by Trial Court is rejected.

2. The petitioner is original defendant in Regular Civil Suit No.110/2024. The respondents herein filed said suit seeking declaration of ownership and perpetual injunction in respect of suit property. In that suit, respondents filed application below Exhibit-6 seeking temporary injunction against defendant. The Trial Court after considering rival contentions, allowed application and restrained defendant or his agent or anybody claiming through him from interfering or obstructing possession of plaintiffs over suit property. The order of temporary injunction passed by Trial Court is assailed in Miscellaneous Civil Application No.39/2024 before

learned District Judge at Jalgaon. In that Appeal, petitioner/defendant filed an application for stay of order of injunction as passed by Trial Court. However, said application is rejected observing that no sufficient grounds made out to stay the operation and implementation of injunction order as passed by Trial Court.

3. Mr. Shaikh, learned Advocate appearing for petitioner submits that there is voluminous evidence to show that defendant is in possession of suit property. However, relying upon incorrect mutation entry, which are recorded during implementation of consolidation scheme, plaintiffs are trying to dispossess defendant. This particular aspect is not considered by Trial Court while passing impugned order.

4. Per contra, Mr. Dixit, learned Advocate appearing for respondents/plaintiffs submits that consolidation scheme has been finalized more than 50 years before and there is no challenge to consolidation record, which is consistent till this date. Therefore, contentions raised on behalf of petitioner/defendant cannot be accepted.

5. The present Writ Petition is filed against rejection of ad-interim relief i.e. prayer seeking stay to injunction order passed below Exhibit-6 by Trial Court. The learned District Judge is

seized with the substantive Appeal. On *prima facie* consideration of reasons recorded by Appellate Court, this Court do not find reason to interfere in impugned order. It is in the fitness of things that parties co-operate for early disposal of Miscellaneous Civil Appeal pending before learned District Judge and same is decided expeditiously.

6. In that view of the matter, Writ Petition stands rejected. However, learned District Judge shall expeditiously decide pending Miscellaneous Civil Appeal and in any case, within period of three months from today. Parties to co-operate.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/June-2025