



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

937 WRIT PETITION NO. 8057 OF 2018

GOVARDHAN PATILBUVA SHINDE AND OTHERS

VERSUS

RAMDAS AMBADAS SHINDE

Mr. K.J. Suryawanshi, Advocate for the petitioners.

CORAM : KISHORE C. SANT, J.

DATE : 07.11.2025

PC :-

01. Heard learned Advocate for the petitioners. The petitioners have challenged an order passed by the learned Civil Judge, Junior division, Kaij dated 26.03.2018, rejecting an application filed by the present petitioner/original defendant in the suit being RCS No. 153 of 2017. The petitioner had filed an application below Exh.32, praying that the issue of tenancy be framed and referred to the Authorities. The learned Trial Judge observed that no such question arises in the suit and rejected the application.

02. The learned Advocate for the petitioners vehemently argued that in the plaint itself there is reference to the fact that the land has come to the plaintiff as legal heir of the tenant and therefore this issue was very much necessary to be framed.

03. This Court has gone through the plaint of the suit. The prayer is about injunction against the defendants not to disturb peaceful possession of the plaintiff/present respondent. There does not appear to

be any dispute about the tenancy or relationship as landlord – tenant. This Court finds that no error is committed by the Trial Court in passing the impugned order. No case is made out to entertain this petition.

04. This petition, therefore, stands dismissed with no order as to costs.

[KISHORE C. SANT, J.]