



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1028 WRIT PETITION NO. 5543 OF 2023

SOPAN GOPALRAO BHISE AND OTHERS

VERSUS

VASANT TUKARAM ANDHALE

...

Mr. Vivekanand M. Maney – Advocate for Petitioners

Mr. S.B. Wagh – Advocate for sole Respondent

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CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 19.12.2025

PER COURT :

1. Heard learned Counsel for the respective parties.

2. The petitioners challenge the judgment and order dated 09.03.2023 passed by the learned District Judge-5 in M.C.A. No.83 of 2022 and the order dated 08.04.2022 passed by the learned Civil Judge, Junior Division, Paithan, below Exhibit-5 in R.C.S. No.83 of 2022, whereby the learned Trial Court allowed the application filed by the respondent herein and temporarily restrained the defendant Nos.1 to 3 from obstructing the peaceful possession of the plaintiff over the suit property till the decision of the suit. The said order was challenged in appeal, however the appellate Court dismissed the appeal.

3. Having gone through the orders under challenge, it reveals that on

the basis of sale-deed dated 16.07.1999, the title was passed in favour of the Chhabubai and as per the recitals of the sale-deed, the plaintiffs were put in possession of the suit property. Therefore, the learned Trial Court rightly recorded a prima-facie case in favour of the Chhabubai in respect of the suit property.

4. Considering the aforesaid facts and as both the Courts below have recorded concurrent findings, I do not find any reason to interfere with the order dated 09.03.2023 passed by the learned District Judge-5 in M.C.A. No.83 of 2022 and the order dated 08.04.2022 passed by the learned Civil Judge, Junior Division, Paithan, below Exhibit-5 in R.C.S. No.83 of 2022 under Article 227 of the Constitution of India.

6. In view thereof, the Writ Petition stands dismissed. There shall be no order as to costs.

[SIDDHESHWAR S. THOMBRE]
JUDGE

Pooja Kale/