



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

WRIT PETITION NO. 7403 OF 2025

MOHAMMAD ANIS ALIAS ANEZ S/O GULAM RASUL
VERSUS
SHAIKH MAHEMUD S/O SHAIKH AKBAR

...
Mr. Shailendra S. Gangakhedkar, Advocate for the Petitioner.
...

**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 01st JULY, 2025.**

P.C.:-

1. The order dated 23.04.2025 passed by learned District Judge-I, Nanded below Exhibit-9 in Civil M.A. No.17/2025 is assailed in this Writ Petition.

2. It appears that, respondent filed Regular Civil Suit No.150/2024 before Civil Judge Senior Division at Nanded claiming relief of perpetual injunction in respect of suit property. The petitioner, who is defendant caused his appearance and resisted claim. The plaintiff has also filed an application for grant of temporary injunction against defendant from causing obstruction and interference in plaintiff's possession over plot in Survey No.3/2 to the extent of 20 x 70 feet situated at Muzampeth, Tq. and Dist. Nanded.

3. According to plaintiff, he purchased suit property from one Sardar Ranjitsingh S/o. Sardar Majorsingh Gohraya by way of registered sale deed bearing No.6034/2011 dated 13.06.2011. It

appears that, mutation entry was sanctioned in pursuance to aforesaid sale deed. The plaintiff alleged that defendant damaged name plate of plaintiff over suit property and, therefore, cause of action arose to file suit.

4. The contention of defendant is that he had executed nominal sale deed in the name of Sardar Ranjitsingh. However, possession was maintained with him.

5. According to defendant, nominal sale deed was executed in the name of plaintiff as per say of Sardar Ranjitsingh, however, no title was passed to plaintiff.

6. The learned Trial Court after considering rival contentions, allowed application Exhibit-5 and temporarily restrained defendant from interfering or obstructing possession of plaintiff over suit property. Aggrieved defendant has filed Civil M.A. No.17/2025 before learned District Judge. The substantive Appeal is pending for consideration. During pendency of Appeal on application filed below Exhibit-9 seeking stay to execution and implementation of order passed below Exhibit-5 by learned Trial Judge. The learned District Judge on, *prima facie*, consideration of contentions of parties, rejected the same.

7. It appears that, substantive Appeal of petitioner is pending before learned District Judge. The Trial Court on, *prima facie*,

consideration of material accepted that plaintiff is in possession of property. The learned District Judge did not find any defect in order on, *prima facie*, consideration of material. Now it would be open for parties to argue Civil M.A. No.17/2025 on its merit and learned District Judge would consider the same on its own merits.

8. In that view of the matter, this Court do not find any reason to cause interference in Writ jurisdiction under Article 227 of the Constitution of India. In result, Writ Petition stands dismissed. However, it is expected that learned District Judge would endeavour to decide pending Civil M.A. No.17/2025 at the earliest and in any case, within period of eight weeks from the date of this order.

(S. G. CHAPALGAONKAR)
JUDGE