



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

15 WRIT PETITION NO. 10220 OF 2025

JAGJIVANRAM CO OP HOUSING SOCIETY LTD., AURANGABAD THR ITS
SECRETARY N.G. BANSWAL

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for the Petitioner : Mr. Solunke Narayan R.

AGP for Respondent/State : Mr. P.D. Patil

...

16 WRIT PETITION NO. 10224 OF 2025

JAGJIVANRAM CO OP HOUSING SOCIETY LTD., AURANGABAD THR ITS
SECRETARY N.G. BANSWAL

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for the Petitioner : Mr. Solunke Narayan R.

AGP for Respondent/State : Mr. K.N. Lokhande

...

17 WRIT PETITION NO. 10229 OF 2025

JAGJIVANRAM CO OP HOUSING SOCIETY LTD., AURANGABAD THR ITS
SECRETARY

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for the Petitioner : Mr. Solunke Narayan R.

AGP for Respondent/State : Mr. K.B. Jadhavar

...

19 WRIT PETITION NO. 10780 OF 2025

JAGJIVANRAM CO OP HOUSING SOCIETY LTD., AURANGABAD THR ITS
SECRETARY N.G. BANSWAL

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the Petitioner : Mr. Solunke Narayan R.

AGP for Respondent/State : Mr. P.D. Patil

...

CORAM : ARUN R. PEDNEKER, J.

Dated : September 08, 2025

PER COURT :-

1. Heard the learned counsel for the petitioners.
2. By the present writ petitions, the petitioners challenge the orders passed by the learned Co-operative Appellate Court refusing to grant stay to the order of the learned trial court whereby applications filed under Order 39 Rule 1 and 2 of C.P.C. are dismissed. The trial court had granted ad-interim injunction on 27.11.2013 which was continued till the conclusion of the dispute proceedings and finally disputes were decreed in favour of the disputants by holding that disputants are the possessors and restrained the opponent/present petitioners from interfering with the property
3. The learned counsel for the petitioners challenge the orders of the appellate court by submitting that there are gross irregularities in the orders of the trial Court and appellate court has failed to consider primarily that the land was allotted to Chambhar community for betterment of the community. The original disputants are not the members of the said community. The learned counsel submits that no membership was granted to disputants as they do not belong to the said community and as such, the office bearers have taken money from them and possession of the plot is stated to have been handed over to the disputants and as such, possession of the land would not have validly be given in favour of the disputants as the community has not handed over the possession of the property to the disputants. The learned counsel submits that the while considering the applications under Order 39 Rule 1 and 2 of C.P.C. the trial court has completely failed to consider above facts and the appellate court has also not taken in to consideration the above fact while dismissing the application for injunction filed in the pending appeal.

4. The learned counsel further submits that the appellate court has again committed gross error in not examining these aspects of the matter.

5. Having considering the submissions made above and perusal of the impugned orders, it is seen that ad-interim injunction has been granted by the trial Court in favour of the disputants/ respondents on 27.11.2013 and was operative till the conclusion of the matter before the trial court. The interim injunction granted in favour of the disputant/respondent is confirmed by the final order challenged in appeal. The Trial Court has held that the disputants are in possession of the suit plot. Since the injunction is operating in favour of the disputant and against the petitioner and the finding of possession is in favour of the disputant, it would be difficult for this court to interfere in the order of the appellate court. However, it is made it clear that the appellate court while considering the appeal would not be influenced by any order passed by the trial court, interim order of the appellate court or the order of this court and shall decide the appeal on it's own merits by considering all the submissions of the both parties. The appellate court to decide the appeal as expeditiously as possible and within the period of nine months from the date of production of this order. Since I passed innocuous order directing the appellate court to decide the appeals within nine months from the date of production of this order, no notice is given to the other side.

6. With the above observations, the writ petitions are disposed of accordingly.

(ARUN R. PEDNEKER, J.)

ssc/