

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 15564 OF 2023

Irfan Hussain Atar

VERSUS

Abhijit Bhausahab Kadam And Others

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Advocate for the Petitioner : Mr. Bhavthankar Vivek Vasantrao

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CORAM : SIDDHESHWAR S. THOMBRE, J.

DATED : DECEMBER 18, 2025

PER COURT :

1. Heard learned counsel for the petitioner.
2. By way of present petition, the petitioner challenges the order dated 31.10.2022 passed below Exhibit-5 by the learned District Judge-2, Ambajogai in Misc. Civil Appeal No.36 of 2021, whereby the application below Exhibit-5 came to be rejected and same is confirmed by the learned Appellate Court vide its order dated 06.10.2021.
3. Mr. Bhavthankar, learned counsel for the petitioner submits that the petitioner has filed an application with a prayer that the petitioner/original plaintiff is in possession of the suit property. But the learned Trial Court recorded the finding that the petitioner was not in possession and therefore, on that count injunction was rejected.
4. After hearing the arguments advanced by the learned counsel for the petitioner and after going through the findings

recorded by the learned Trial Court, the Trial Court recorded the finding that the petitioner *prima facie* failed to prove the possession and therefore refused to grant injunction.

5. In view thereof, I do not find any reason to interfere with the orders passed by the learned Trial Court as well as the Appellate Court.

6. The petition is dismissed. No order as to cost.

(SIDDHESHWAR S. THOMBRE, J.)