

sale deed by defendant nos. 1 and 2 would not be binding upon the plaintiffs.

2. In this suit for declaration and injunction based on title, the plaintiffs applied for a temporary injunction restraining the defendants from disturbing the plaintiffs' possession over the suit property. The trial court rejected the application for a temporary injunction on 7th January 2019. Hence, the plaintiffs preferred an appeal, and the appeal court has reversed the trial court's order and granted an injunction restraining defendant no. 1 and any other person claiming through defendant no. 1 from obstructing the plaintiffs' possession over the suit property.

3. Defendant no. 1 claims right in the suit property through defendant no.2. Since defendant no. 1 also claims title to the suit property, he has filed this petition challenging an order of temporary injunction granted by the appeal court. Learned counsel for the petitioner submits that there was a registered sale deed dated 14th January 1972 in favour of Suleman, who is the predecessor in title of defendant no.1. He further submits that the sale deed in favour of Suleman records that the suit property i.e. CTS No. 2762 is transferred

in the name of Suleman. He further submits that the sale deed relied upon by the plaintiffs does not reflect the description of old Municipal House No. 1426 in respect of which the plaintiffs claim title based on the sale deed of 1951.

4. Learned counsel for the petitioner referred to the relevant document in favour of the plaintiffs. He submits that the plaintiffs purchased various adjacent properties numbered as Municipal House No. 1423, 1424 and 1425. He submits that the document of title relied upon by the plaintiffs does not reflect the description of the old Municipal House No. 1426 as described in the plaint. Learned counsel for the petitioner further relied upon the order dated 16th March 2020 passed by the District Superintendent of Land Records. He submits that by the said order the entry in the property record in respect of CTS No. 2762 is confirmed in the name of defendant no.2. He therefore submits that the observation of the appeal court in relying upon revenue entries in the name of the plaintiffs' predecessor in title as recorded in paragraph 13 of the impugned order is incorrect.

5. He submits that the subsequent order supports the

petitioner's contention that CTS No. 2762 as described by the plaintiffs was of Suleman and the petitioner claims to have acquired title by way of a registered document in his favour. He therefore submits that the prima facie findings recorded by the appeal court are contrary to the record and by ignoring the sale deed in favour of the petitioner and an order passed in favour of defendant no. 2. He thus submits that the impugned order would require interference by this court.

6. Learned counsel for the respondents-plaintiffs supports the impugned order. He submits that the title documents of the plaintiffs clearly record a description of the Municipal House No. 1426, which, according to the plaintiffs, was numbered as 2095 and thereafter numbered as CTS No. 2762 Municipal House No. 2785.

7. Learned counsel for the plaintiffs relied upon the relevant description of the Municipal House No. 1426 from the sale deed produced on record before the court. He further submits that the order in favour of defendant no. 2 relied upon by the petitioner would not affect the plaintiffs' right as the plaintiffs were never party to the order dated 16th

March 2020. He further submits that the reliance placed by the petitioner on the said order is not supported by any specific pleading based on the said order. He submits that even otherwise, the said order would not be binding upon the plaintiffs.

8. I have perused the papers of the petition. The title document dated 10th February 1951 in the name of the plaintiffs' predecessor in title describes the properties purchased by way of said document, which includes a description of Municipal House Nos. 1423, 1424, 1425 and 1426. The description of the suit property in the plaint paragraph 1 refers to old municipal House No. 1426 subsequently numbered as 2095 and presently CTS No. 2762, Municipal House No. 2785. The appeal court has examined the documents on record. In paragraph 3 of the impugned order, the learned Judge has recorded prima facie findings based on the order passed by the revenue authorities.

9. The order dated 30th September 1992 is relied upon by the appellate court, as the order recorded that the City Survey No. 2762 was held by the predecessor in title of the

plaintiffs. Thus, based on the title document coupled with the entries in the revenue record, the appeal court has recorded prima facie findings that the suit property as described in the plaint is in possession and owned by the plaintiffs.

10. The subsequent order of 16th March 2020 relied upon by the learned counsel for the petitioner is in a proceeding between one Trimbak Kashinath Rajmane and defendant nos. 1 and 2. Admittedly, plaintiffs are not parties to the said proceedings. The said order would therefore not be binding upon the plaintiffs. Even otherwise, the reliance, if any, placed by the petitioner on the said order would be subject matter of the trial, provided the pleadings of the petitioner support the same. Learned counsel for the petitioner was unable to point out any such pleadings.

11. At this prima facie stage, the order dated 16th March 2020 would not support the petitioner's contention as the petitioner owns the suit property, i.e. old Municipal House no. 1426. Thus, the prima facie findings recorded by the appeal court are based on the appreciation of the pleadings and documents on record. The grounds argued on behalf of the petitioner pertain to the disputed question of facts, which

cannot be examined at this stage based on the material relied upon by the petitioner, as the material would be the subject matter of the trial.

12. I have perused the documents relied upon and referred to by the trial court. Prima facie findings recorded by the appellate court based on documents on record cannot be disturbed on the ground of a subsequent order of 2020 to which the plaintiffs are not a party.

13. I do not find any illegality or perversity in the reasons recorded by the appeal court. This is not a fit case to exercise the discretionary jurisdiction under Article 227 of the Constitution of India to interfere with the impugned order.

14. The petition is devoid of any merit. Hence, the petition is dismissed.

15. Learned counsel for the petitioner seeks extension of the order of status quo passed by the appeal court on 15th February 2020 and continued by this court. The order of the status quo operating in this petition shall continue for a period of six weeks for today.

[GAURI GODSE, J.]