

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL WRIT PETITION NO. 13564 OF 2022

Dattatray Kundlik Shinde Mali ... Petitioner
V/s.

Eknath Magadeo Gutal Deceased ... Respondents
through Lrs. Sarika Eknath Gutal
and Ors.

Mr. Purushottam Chavan, for the Petitioner.

CORAM : N.J. JAMADAR, J.

DATE : 11TH MARCH 2025.

VARSHA
DEEPAK
GAIKWAD
Digitally signed by
VARSHA DEEPAK
GAIKWAD
Date: 2025.03.15
14:17:00 +0530

PC:

1. Heard learned counsel for the petitioner.
2. The challenge in this petition is to an order dated 9th March 2021 passed by the learned District Judge, Pandharpur whereby the appeal preferred by the petitioner/original Defendant No. 7 against an order dated 10th October 2019 passed by the Civil Judge, Senior Division, Pandharpur whereby the Petitioner was restrained from causing obstruction to the possession and cultivation of the suit property by the plaintiff, came to be dismissed.
3. The learned Civil Judge as well as the learned District Judge have recorded categorical findings that the plaintiff was put in possession of the suit property pursuant to the agreement to sale and

irrecoverable Power of Attorney. The plaintiff had parted with the consideration. Subsequently, the Defendant No. 1 to 6 have executed a conveyance deed in favour of the Defendant No. 7. Thus, the plaintiff had shown, prima facie, possession and cultivation of the suit property and the Defendant No. 7 had attempted to cause obstructions to the possession of the plaintiff over the suit property on the strength of the sale deed executed by the Defendant Nos. 1 to 6, in favour of the Defendant No. 7 subsequently.

4. The Courts below have applied the correct principles for grant of interim injunction. There is no infirmity in the impugned order which warrants interference by this Court in the exercise of supervisory jurisdiction.

5. The petition stands dismissed.

(N.J. JAMADAR, J.)