

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 15207 OF 2024

Parshuram Ningappa Sangdari and ors. ...Petitioners

Versus

Renuka Nagnath Koli and ors. ...Respondents

Mr. Ajit V. Alange, for the Petitioners.

CORAM: N. J. JAMADAR, J.

DATED: 3rd MARCH, 2025

PC:-

1. Heard the learned Counsel for the petitioners.
2. The challenge in this petition is to a judgment and order dated 24th August, 2023 passed by the learned District Judge, Solapur, in Misc. Civil Appeal No.166 of 2022, whereby the appeal preferred by the petitioners – defendants came to be dismissed affirming an order dated 9th November, 2022 passed by the learned Civil Judge, Akkalkot, in RCS/45/2022, thereby restraining the defendants from causing obstruction to the cultivation and enjoyment of the land bearing Gat No.205/1 admeasuring 63Are situated at village Ankalgi Taluka Akkalkot (the suit land).
3. The respondents had instituted a suit against the defendants seeking perpetual injunction from causing

obstruction to the cultivation and enjoyment of the suit land, asserting that the defendants had sold the suit land under a registered Sale Deed dated 7th April, 2016. The plaintiffs started cultivating the suit land and taking cash crops. The defendants thereafter started to cause obstruction to the cultivation and enjoyment of the suit land by the plaintiffs questioning the said transaction.

4. The plaintiffs sought relief of temporary injunction. By a judgment and order dated 9th November, 2022, the learned Civil Judge was persuaded to grant interim injunction and restrain the defendants from causing obstruction to the cultivation and enjoyment of the suit land by the plaintiffs. Aggrieved, the defendants preferred Misc. Appeal No.166 of 2022. The learned District Judge found no reason to interfere with the discretionary order passed by the Trial Court.

5. Mr. Alange, the learned Counsel for the petitioners, submitted that the execution of the registered sale deed in the year 2016 is not disputed, yet, the defendants have categorically asserted that the transaction was one of illegal money-lending and the defendants had made complaints with the authorities under the Maharashtra Money-Lending

(Regulation) Act, 2014 and the police regarding the said transaction and the threat on the part of the plaintiffs to dispossess the defendants. In fact, the defendants were in actual possession and cultivation of the suit land. Mr. Alange banked upon the panchnama drawn by an officer deputed by the Assistant Registrar appointed under the Maharashtra Money-lending Act. The learned District Judge unjustifiably discarded the said panchnama, urged Mr. Alange.

6. I have perused the material on record. Indisputably registered instrument was executed in the year 2016 to convey the suit land. Post execution of the instrument, the names of the plaintiffs came to be mutated to the record of rights of the suit land. The question as to whether the transaction was in the nature of illegal money-lending would be a matter for adjudication at the trial. The reliance on the panchnama does not seem to be of much assistance to the petitioner as the inferences drawn by the said officer were based on the statements of two witnesses. In fact, there was a divergence in the reasons ascribed by those witnesses and the petitioners, for allegedly borrowing money from the plaintiffs. That weighed with the learned District Judge in not attaching much weight to the said panchnama.

7. In any event, in a situation of present nature, the principle, possession follows title, operates with full force. Inference of possession cannot be drawn on the basis of the statements of the witnesses or the photographs.

8. As the Courts below have taken a *prima facie* view based on the objective material, this Court in exercise of supervisory jurisdiction does not find any justifiable reason to interfere with the impugned order.

9. The petition stands dismissed.

[N. J. JAMADAR, J.]