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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 16667 OF 2024**

Govinda Ganpati Pawar

... Petitioner

vs.

Sikandar Bapuso Sanadi and Ors

... Respondents

Mr. V.B. Rajure for Petitioner.

CORAM : GAURI GODSE, J.

DATED : 24th JULY 2025

ORDER:

1. Not on board. Taken on the production board.
2. This petition is filed by defendant no.4 to challenge the concurrent orders granting injunction in the suit filed by respondent nos. 1 to 3. Learned counsel for the petitioner submits that after execution of the redemption of mortgage on 10th May 2006, possession was handed over. He submits that accordingly, the mutation entry was also recorded. He further submits that the mortgage deed initially was in favour of the plaintiff's predecessor in title. He submits that in view of the sale deed executed by defendant no.3, the possession was handed over to defendant no. 4 and mutation entry was already recorded. He therefore submits that both the courts ignored the subsequent sale deeds.

3. I have perused the papers of the petition. The suit is filed by respondent nos. 1 to 3, for declaration of their ownership and for permanent injunction to restrain the defendants from interfering with the plaintiffs' possession over the suit property. Hence, the plaintiffs prayed for protection of possession based on the original mortgage document. In this suit, the trial court granted injunction restraining defendant nos. 1 to 4 from obstructing plaintiffs' possession over the suit property. The trial court considered the issue of possession based on the mortgage deed executed in favour of the plaintiffs' father and the terms of the mortgage deed regarding possession. Considering the documents in favour of the plaintiffs, the issue of possession is accepted prima facie in favour of the plaintiffs. The trial court's order is confirmed by the appeal court. Considering the documents in favour of the plaintiffs, the view taken by both the courts to grant protection during the pendency of the suit would not require any interference by this court.

4. Both the courts have considered the terms and conditions of the documents and recorded the prima facie findings accepting possession of the plaintiffs in respect of the suit property. I do not find any illegality or perversity in the reasons recorded by both the courts.

5. I therefore see no reason to exercise discretionary jurisdiction under Article 227 of the Constitution of India to interfere with the impugned orders. The petition is therefore dismissed.

(GAURI GODSE, J.)