



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 330 OF 2024

(Smt.Devkabai Zinguji Tayade and another vs. Shri Liladhar Zinguji Tayde and another)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders or the directions,
and Registrar's orders.*

Court's or Judge's order

Mr. M.PKariya, Advocate for petitioners.

Ms.Hemlata Jaipurkar, Advocate h/f Mr.B.N.Jaipurkar, Advocate for respondents.

CORAM : SIDDHESHWAR S. THOMBRE, J.

OCTOBER 09, 2025

- 1) Heard Mr. Kariya, learned counsel for the petitioners and Ms.Jaipurkar, learned counsel for the respondents.
- 2) The present petition is filed by the original defendant Nos.1 and 2, whereby order dated 31/10/2023 passed by the Civil Judge Senior Division, Achalpur below Exh.5 and the judgment and order dated 28/12/2023 passed by the Appellate Court in the Misc. Civil Appeal No.73/2023 are challenged.
- 3) Learned counsel for the petitioner submitted that both the courts without considering the Registered Sale Deed as well as 7/12 extract and other documents which suggest that the petitioners/original defendants are in possession and yet granted injunction against the defendants. He invited my attention to the registered Sale Deed and 7/12 extract and stated that both the Courts below committed apparent error on the face of record.
- 4) Per contra, learned counsel for the respondent No.1/plaintiffs supported the order passed by both the Courts below.

5) I have gone through the documents which are placed on record by the petitioner, as well as the findings recorded by the Courts below. In view of the fact that both the Courts below concurrently recorded findings about the possession and therefore, without going into the merits of the matter at this stage, I am not inclined to interfere with the order passed by both the Courts below. In view of that writ petition is dismissed. No order as to costs.

6) Learned counsel for the petitioner insisted that learned trial Court be directed to decide the suit within stipulated period. Considering the issue involved, the learned trial Court to decide the suit within one year.

(SIDDHESHWAR S. THOMBRE, J.)