



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

Writ Petition No. 1331 of 2025

[Shri Jagannath s/o Aashruji Bhalerao ..vs.. Shri Shivaji s/o Amnaji Ingle]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S. V. Kulkarni, Advocate instructed by Mr. Raju Kadu, Advocate for the
petitioner

CORAM : ANIL L. PANSARE J.

DATED : 24-04-2025

Heard.

2. Both the Courts below have rendered concurrent findings against the petitioner that he is not entitled for injunction restraining respondent from interfering with peaceful possession.

3. Having heard learned counsel for the petitioner, it appears that respondent – plaintiff has filed suit for specific performance. The petitioner – defendant opposed the suit and filed counter claim. The respondent averred that he is in possession of the suit field on the basis of Thokepatrak i.e. right to cultivate for 99 years for a sum of Rs. 2,10,000/-. The Courts below were of *prima facie* view that the plea taken by the petitioner that he has signed blank stamp papers as he was in financial crisis is not believable. Both the Courts opined that this plea can only be tested after a full fledged trial.

4. The record indicates that the respondent is in possession of the property. Possession receipt/Thokepatrak has been executed by the petitioner. In the circumstances, there is serious doubt whether the petitioner is in possession of the suit property. The Courts below, therefore, have rightly refused to grant injunction. The concurrent findings so recorded appears to be in consonance with the material placed before the Court.

No interference is therefore, called for in the impugned order.
Writ petition is dismissed with no order as to costs.

(Anil L. Pansare, J.)

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