



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

970 WRIT PETITION NO. 929 OF 2026

PRAKASH UTTAMCHAND BATHIYA
VERSUS
PRASHANT KRISHNA PALIMKAR AND OTHERS

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Mr. M. B. Ubale, Advocate for the Petitioner

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 28th JANUARY, 2026

P. C. :-

1. The present Writ Petition takes exception to order dated 18.11.2025 passed by Ad-hoc District Judge-2, Aurangabad in Misc. Civil Appeal No. 69 of 2024 as well as order dated 05.04.2024 passed by 7th Civil Judge, Senior Division, Aurangabad in Special Civil Suit No. 464 of 2022 by which application filed by Petitioner/Plaintiff for grant of temporary injunction against Defendants has been rejected.

2. The Petitioner is Plaintiff in Special Civil Suit No. 464 of 2022, filed before Civil Judge, Senior Division at Aurangabad. The suit has been instituted seeking removal of 29 sq.m. construction made on plot No.86 situated at Samarth Nagar, Aurangabad. The Respondents/Defendants appeared in suit and denied the averments made in plaint. The Plaintiff filed

an application for temporary injunction against Defendants to restrain him from carrying out further construction on the suit property. The Trial Court after considering rival contentions observed that Plaintiff could not make out a *prima facie* case and balance of convenience lies in favour of Defendants. The Trial Court specifically observed that disputed area of 29 sq.m. did not form part of proposed plan for construction by Defendants, and Defendants were carrying construction on Plot No.85, CTS No. 20562 leaving disputed area admeasuring 29 sq.m.

3. In that view of matter, Trial Court held that no *prima facie* case was made out to grant injunction. The Appellate Court also concurred with opinion of the Trial Court and dismissed the appeal filed by Petitioner. Looking to the reasoning adopted by courts below, no case is made out to cause interference under writ jurisdiction of this Court. Accordingly, Writ Petition stands rejected.

(S. G. CHAPALGAONKAR, J.)

ssp