



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 980 OF 2026**

VINAYAK NARAYAN JOSHI AND ANOTHER
VERSUS
SHRIKRISHNA BHIKAJI JOSHI

Mr. Swapnil B. Patel h/f Mr. Manohar S. Deshpande, Advocate for
the Petitioners.

**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 30th JANUARY, 2026.**

P.C.:-

1. The present Writ Petition takes exception to judgment and order dated 02.04.2019 passed by District Judge and Assistant Sessions Judge, Aurangabad in M.C.A. No.186/2017, thereby upholding judgment and order dated 27.10.2017 passed below Exhibit-5 by Civil Judge Junior Division, Sillod in Regular Civil Suit No.57/2016.

2. The petitioners are original defendants in Regular Civil Suit No.57/2016 pending before Civil Judge Junior Division, Sillod. The suit is instituted seeking decree of perpetual injunction against petitioners/defendants. The respondent filed application below Exhibit-5 seeking temporary injunction against defendants.

3. The Trial Court after considering rival contentions observed that suit properties were originally owned by plaintiff's father Bhikaji Ganpatrao and in pursuance to partition that has been put into his possession. The Trial Court relied upon mutation record, which depicts that since 1980-81 plaintiff is in possession of suit

property. The defendants could not establish their possession, although they are claiming that right in property. Pertinently, in written argument submitted on behalf of petitioners they mentioned that since 15.02.1991, plaintiff is unauthorizely enjoying property. Accordingly, Trial Court concluded that, *prima facie*, plaintiff has established possession over suit property and passed order of temporary injunction restraining defendants from obstructing plaintiff's possession. The petitioners/defendants preferred MCA No.186/2017 before District Judge, wherein it has been observed that at the interim stage, plaintiff has proved his possession. As such, *prima facie*, case and balance of convenience is in favour of plaintiff. Accordingly confirmed order passed by Trial Court.

4. The learned Advocate appearing for petitioners could not show any infirmity in concurrent findings recorded by Trial Court and Appellate Court that on, *prima facie*, consideration of record tendered into service by parties plaintiff established his settled possession.

5. In result, no case is made out to cause interference in impugned order under Article 227 of Constitution of India. Hence, Writ Petition stands dismissed.

(S. G. CHAPALGAONKAR)
JUDGE