

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 14366 OF 2025

Anuja Santosh Reddy

VERSUS

Ashok Trimbak Ajnikar And Another

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Advocate for the Petitioner : Mr. Patil Jayant R.

Advocate for Respondents : Mr. Vaibhav B. Dhage

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : MARCH 04, 2026

PER COURT :-

1. Present writ petition takes exception to order dated 28.10.2025 passed by learned District Judge-2, Latur in Misc. Civil Appeal No.48 of 2025 by which order dated 17.04.2025 passed by Civil Judge, Senior Division, Latur granting temporary injunction in Special Civil Suit No.286 of 2024 has been quashed and set aside. Aggrieved plaintiff filed this writ petition.

2. Mr. Jayant Patil, learned advocate appearing for petitioner submits that suit is instituted for declaration of ownership and perpetual injunction in respect of suit property. The plaintiff had relied upon measurement map, whereby boundaries of his gat numbers were fixed. The Trial Court relying upon aforesaid evidence along with photographs tendered by parties granted temporary injunction restraining defendants from putting up construction over

suit plot and thereby causing any interference in possession of plaintiff till final disposal of suit.

3. In appeal filed by defendants, learned District Judge was pleased to quash and set aside order mainly observing that there is no material to show that defendants had crossed boundary marks and raised construction over property of plaintiff. The Appellate Court observed that photographs depicts removal of fencing and construction has been raised. However, such photographs cannot be relied on at *prima facie* stage.

4. Looking to controversy involved in suit, it is evident that this is a dispute as to boundary of Gat Nos.117 and 118. In this backdrop, learned advocates appearing for respective parties have filed joint pursis dated 04.03.2026, whereby plaintiff and defendants agreed to appoint Court Commissioner for joint measurement and fixing of boundaries of Gat Nos.117 and 118. It is also agreed that defendants would not object for joint measurement and fixation of boundaries. The Deputy Superintendent of Land Record, Latur to be appointed as Court Commissioner. Till receipt of report of Court Commissioner, the parties would act upon order dated 17.04.2025 passed below Exhibit-5 in Special Civil Suit No.286 of 2024. The joint pursis is taken on record and marked as 'X' for identification.

5. In that view of matter, writ petition stands disposed of with liberty in favour of petitioner to file an application for

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appointment of Court Commissioner. The Trial Court shall pass necessary orders on the basis of joint pursis directing appointment of Court Commissioner, who shall submit his report within a period of eight weeks from date of order or deposit of necessary fees by petitioner/plaintiff. The Court shall pass further order as to interim injunction based on Commissioner's report. Till then, parties to act upon injunction order dated 17.04.2025 passed below Exhibit-5 by Trial Court. The impugned order dated 28.10.2025 passed by District Judge is quashed and set aside.

(S.G. CHAPALGAONKAR, J.)

Mujaheed//