

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1797 OF 2026

Balasaheb Kisan Nandre And Another
VERSUS
Rajendra Bhausahab Kardile And Others

...
Advocate for the Petitioners : Mr. Manwatkar Dinesh U.

...
CORAM : S. G. CHAPALGAONKAR, J.

DATED : FEBRUARY 18, 2026

PER COURT :-

1. Present petition takes exception to order dated 18.12.2024 passed by District Judge-1, Ambad in Misc. Civil Appeal No.33 of 2021, thereby upholding order dated 29.06.2020 passed below Exhibit-5 by learned Second Joint Civil Judge Junior Division, Ambad in Regular Civil Suit No.125 of 2017, thereby granting temporary injunction against petitioners/original defendants.
2. Respondent no.1 instituted R.C.S. No.125 of 2017 seeking decree of perpetual injunction against petitioners. It is contention of respondent no.1 that suit property has been allotted under rehabilitation program as his father was project affected person. Accordingly, his father was put into possession on 23.04.1988 under panchnama. The possession receipt to that effect is also executed on same day. Since then, he is in possession and enjoyment of property. The respondent has also filed an application seeking temporary injunction. The Trial Court after considering rival

contentions allowed application holding that on *prima facie* consideration of material on record, plaintiff has proved his possession and obstruction at the hands of respondents. Aggrieved petitioners filed Misc. Civil Appeal No.33 of 2021 before District Judge-1, Ambad, which has been rejected by impugned order dated 18.12.2024. Hence, this writ petition.

3. Learned advocate appearing for petitioners submits that petitioners are in possession of property. However, both Courts have relied upon unacceptable evidence to conclude that respondent no.1 is in possession. Having considered submissions advanced by learned advocates appearing for petitioners and on perusal of pleading and documentary evidence on record, it is discernible that on 24.12.1987, the Collector cum Deputy Director Rehabilitation Jalna has allotted the suit land to father of plaintiff. Thereafter, he was put into possession under Panchnama dated 23.04.1988. Since then, continuous possession of plaintiff over suit property can be seen in relevant record. Although, defendant is raising dispute pertaining to northern side boundary of suit, said dispute will have to be decided during course of trial.

4. Both Courts have rightly appreciated material on record and recorded *prima facie* finding of possession in favour of plaintiff. No perversity in appreciation of evidence or concurrent findings recorded by both Courts below is discernible.

(3)

5. Hence, writ petition sans merit and dismissed accordingly.

(S.G. CHAPALGAONKAR, J.)

Mujaheed//