



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.1085 OF 2026

Sau. Janabai Samadhan Khandare Vs. Vikas Bhimrao Arakhrao

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. N.S. Warulkar, Advocate for the Petitioner.

CORAM: PRAFULLA S. KHUBALKAR, J.

DATED : 06th FEBRUARY, 2026

1. Heard learned counsel for the petitioner.
2. Petitioner's challenge is to the concurrent orders passed by the Trial Court as well as the Appellate Court granting temporary injunction in favour of the respondent/plaintiff.
3. Perusal of the orders passed by the Trial Court as well as Appellate Court, shows that the discretionary orders have been passed on the basis of the relevant factual and legal aspects and having found that the respondent/plaintiff has established a prima-facie case, temporary injunction is granted in his favour.
4. The contentions canvassed on behalf of the petitioner about the issue as to whether the respondent/plaintiff is actual owner and possessor of the Old Survey No.48, New Gat No.189 or Gat No.192 and whether he has encroached upon land to the extent of 0.23 H.R. of Gat No.189, which is allegedly in the ownership of petitioner/defendant and the other issue raised by the parties are subject matter of adjudication on the basis of evidence to be led in the civil suit. The plaintiff has filed on

record documents to show that his grandfather purchased suit property from Jaiwantabai and the 7/12 extract shows name of father of the plaintiff. The plaintiff has demonstrated his actual possession of the land on which herbicide was sprayed. As such, plaintiff made out a prima-facie case.

5. Both the Courts below have recorded the findings about the contentions canvassed by the parties and passed reasoned orders. On perusal of the reasoning, I do not find any perversity with the impugned discretionary orders.

6. In view of this, no interference is warranted with the impugned order under Article 227 of the Constitution of India. The writ petition is therefore **dismissed**. However, considering the controversy involved in the suit, the Trial Court is directed to expeditiously decide the civil suit.

(PRAFULLA S. KHUBALKAR, J.)

Privel