

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 6474 OF 2025

ARVIND NIVRUTTI TEMAK

VERSUS

JANARDHAN DAGADU FULSAUNDAR AND OTHERS

...

Mr. Sachin S. Kotkar, Advocate for the Petitioner.

Mrs. Sangita A. Sambre, Advocate for Respondent No.2.

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : 18th JUNE, 2025.

P.C.:-

1. Heard Mr. Kotkar, learned Advocate appearing for petitioner.
2. The petitioner is original plaintiff in Regular Civil Suit No.41/2023 instituted before Civil Judge Senior Division at Newasa. The suit is filed for relief of declaration and perpetual injunction in respect of land Gut No.576. The plaintiff has also sought declaration against order passed by learned Tahsildar against Rasta Case. The plaintiff filed application at Exhibit-5 seeking temporary injunction against defendant. The Trial Court after considering rival contention allowed application vide order dated 11.08.2023 and directed defendant nos.1 to 3 to not to interfere in possession over house property situated in Gut No.576 till disposal of suit.
3. Aggrieved defendant filed MCA No.42/2023 before District Judge at Newasa, which came to be allowed by setting aside order of temporary injunction passed by Trial Court.
4. Mr. Kotkar, learned Advocate appearing for petitioner invites attention of this Court to the observations of learned District

Judge, wherein it is mentioned that plaintiff has suppressed material fact and made wild allegation that panchanama was carried behind back of petitioner. However, such observations are contrary to pleadings in suit.

5. Considering submissions advanced, issue notice to respondents, returnable on 30.07.2025.

6. Till then, parties to maintain *status quo* as on today as regards to suit property.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/June-2025