

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

SECOND APPEAL NO.428/2018

Vinod Madhaosa Mahajan and ors. .vs. Tejrao Namdeo Chinchole and Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. M. P. Kariya, Advocate for appellants.

Mr. D. P. Jaiswal, Advocate for respondent no.1.

CORAM : V. M. DESHPANDE, J.

DATED : AUGUST 14, 2019

Heard Mr. Kariya, learned counsel for appellants
and Mr. Jaiswal, learned counsel for respondent no.1.

Suit filed by Tejrao for injunction simplicitor was
dismissed by learned Jt. Civil Judge Junior Division, Chikhli
on 19.12.2016. That gave rise to Regular Civil Appeal No.
3/2017 and the learned District Judge-1, Buldhana on
30.06.2018, allowed the same and the suit was decreed.

During trial, possession of respondent no.1 was
disputed and accordingly issue was also framed. The issue
was recorded against the plaintiff.

After hearing learned counsel, I am of the opinion
that present appeal needs to be admitted on the following
substantial question of law.

*“Whether the suit for injunction simplicitor in the
facts giving rise to the suit was maintainable?”*

Mr. Jaiswal, Advocate waives notice for
respondent no.1 only.

Civil Application No. 1020/2018

This is an application for stay.

Heard Mr. Kariya, learned counsel for the applicants and Mr. Jaiswal, learned counsel for non applicant no.1-original plaintiff. The appeal is admitted. On 16.08.2018, status quo was ordered in favour of the applicants and the stay is in operation.

In that view of the matter, the application is allowed. Till the present appeal is decided on merits, the status quo to continue.

The application is disposed of.

JUDGE

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