

Chandrashekhar Gajanan Bhogaonkar

Vs

Yeshwant Dhondi Potdar and Others

Civil Appeal No. 8032 of 1995

(K. Ramaswamy, B.L. Hansaria JJ)

28.08.1995

ORDER

1. Leave granted.
2. Notice was issued with a view to impress upon the parties to settle the dispute amicably and learned counsel for the respondents in fairness submitted that he is not informed about the settlement and, therefore, he is unable to impress upon them to enter into any compromise.
3. Mr. A.S. Bhasme, learned counsel for the appellant, contended on merits that the trial court was wrong in its conclusion that the appellant is not in possession of the land. We do not want to go into the controversy as to who is in possession of the land. It is true that the trial court on prima facie evidence found that the appellant was in possession of the land. It was further found that irreparable injury would be caused to him if ad interim injunction is granted. On appeal, the District Judge appreciated the evidence and came to the conclusion that the appellant is not in possession of the land. The High Court did not interfere on being approached under Article 227.
4. At this stage, it is not desirable to go into the merits of the case and the findings of the courts below, which would have adverse effect on the respective interests of the parties. The issue was of prima facie case and of balance of convenience to grant or to refuse ad interim injunction.
5. The appeal is accordingly dismissed.