

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

WRIT PETITION NO. 4839 OF 2015

Mohd. Kasim s/o Mohd. Yasin and ors.	.. Petitioners
versus	
Abdul Kayyum s/o Mohd. Ayyub	.. Respondent

Mr. Mohsin Khan, Advocate for petitioner
Mr. A.N. Deshmukh, advocate for respondent.

CORAM : SUNIL P. DESHMUKH, J.
7th August, 2015

ORDER:

1. A suit for injunction had been instituted by present respondent/plaintiff against present petitioners/ defendants. Temporary injunction sought was in respect of certain right of way over certain portion of the lands concerned in the suit. Suit, however, was ultimately dismissed under judgment and decree dated 22-01-2015.

2. The Plaintiff preferred regular civil appeal bearing number 64 of 2015 in the district court. Along with the same, he had filed miscellaneous civil application seeking temporary injunction during pendency of the appeal.

3. It appears that the appellate court purportedly directed to stay execution of the decree.

4. Petitioners contend that Respondent is interpreting it in a way that it is in their favour and are harassing petitioners, as such, they are before this court.

5. This writ petition thus appears to have been moved in an accidental state of affairs

6. The matter under the circumstances stands relegated to the appellate court for passing appropriate orders for hearing the parties. The application would be heard afresh.

7. For said purpose, order dated 13-02-2015 is set aside.

8. Writ petition stands disposed of with directions as aforesaid.

SUNIL P. DESHMUKH, J.

pnd