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

WRIT PETITION NO.3483 OF 2014

Lalita Shivaji Patil & ors. ..PETITIONERS

VERSUS

Vitthal Pandurang Patil & ors. ..RESPONDENTS

Mr V.D. Gunale, Advocate for petitioners

CORAM : N.W. SAMBRE, J.

DATE : 30th November, 2015

ORAL ORDER :

The order of granting injunction, passed by District Judge, Udgir, on 1st February, 2013, in Misc. Civil Appeal No.15 of 2011, is questioned in the present petition.

2. Mr Gunale, learned Counsel appearing on behalf of the petitioners – respondents to the appeal and original defendants, would urge that because of operation of injunction as ordered by the appellate court, prejudice is caused to the present petitioners, as they were not permitted to expand their existing width of the road from 8-1/4 ft. to 20 ft.

3. It is required to be noted here that the injunction is operating since February, 2013 and this Court has not stayed the said order.

4. Apart from above, the fact remains that the parties to the suit are using the existing road of 8-1/4 ft., during the pendency of the suit.

5. In view thereof, in my opinion, no fruitful purpose would be served, that too after a lapse of three years, in interfering with the order, in view of

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the fact that the parties are using the road that is existing. In view thereof, writ petition fails and stands dismissed.

6. However, in the circumstances, hearing of the suit is expedited.

(N.W. SAMBRE, J.)

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