

drp

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5090 OF 2014

Shivdas Shankar Patil (Died) Through LRs

PETITIONERS

- 1) Suman w/o Shivdas Patil,
Age-60 years, Occ - Agriculture
- 2) Samadhan Shivdas Patil,
Age-40 years, Occ - Agriculture
R/o Hareshwar Pimpalgaon,
Taluka-Pachora, District Jalgaon
- 3) Asha Prabhakar Patil,
Age-41 years, Occ - Household
R/o Gitainagar, Jalgaon
Taluka and District - Jalgaon
- 4) Sunita Subhash Shelkar,
Age-
R/o Wakod, Taluka-Jamner
District - Jalgaon
- 5) Ratna Bhagwan Patil,
Age-35 years, Occ - Household
R/o Akluj, Taluka-Malshiras
District - Solapur
- 6) Manisha Vijay Patil,
Age-31 years, Occ - Household
R/o Santpuda Bhavan,
Vasantnagar No.1, Jangi nagar, 8469
Bhopal, Taluka and District-Bhopal
(Madhya Pradesh)
- 7) Sangita Rajendra Jadhav,
Age-29 years, Occ - Household
R/o Gandhi Chowk, Chalisgaon,
Taluka-Chalisgaon, District - Jalgaon
- 8) Pushpa Pradeep Wagh,
Age-26 years, Occ - Household

R/o Nimkhedi Khurd,
Taluka-Muktainagar, District - Jalgaon

VERSUS

- | | | |
|----|---|-------------|
| 1) | Shakuntala Pandurang Patil
Age-57 years, Occ - Agriculture
R/o Pimpalgaon (Hareshwar)
Taluka-Pachora, District - Jalgaon | RESPONDENTS |
| 2) | Shantabai Narayan Patil,
Age-52 years, Occ - Agriculture
R/o Parola, Taluka-Parola
District - Jalgaon | |
| 3) | Shobhabai Bhagwan Patil,
Age-37 years, Occ - Agriculture
R/o Pimpalgaon (Hareshwar)
Taluka-Pachora, District - Jalgaon | |
| 4) | Mandabai Pandurang Patil,
Age-32 years, Occ - Agriculture
R/o Sonvad, Taluka-Dharangaon
District - Jalgaon | |

.....
Mr. S. D. Hiwrekar, Advocate for the petitioners
Mr. S. V. Suryawanshi, Advocate for respondents No.1 and 4
.....

[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 9th FEBRUARY, 2015

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith and heard finally with consent of learned advocates for the parties.
2. Mr. Hiwarekar, learned advocate for the petitioners contends that the impugned order is too scanty to depict application of mind to the contents of the application seeking

police aid and the order has been cursorily passed.

3. Learned advocate for respondents No.1 and 4 submits that there is no substance in the allegations made and injunction order has been operating against the respondents and in such a case it will be for the applicants to establish veracity of allegations. The allegations are vague.

4. Be that as it may, while an application is being considered the order thereon should reasonably depict application of mind, however short it may be. The order impugned fails short of the same.

5. In view of aforesaid, I deem it appropriate to set aside order dated 4th April, 2014 on Exhibit-27 and restore the application Exhibit-27 to its position as was subsisting on 3rd April, 2014. As such, it is open for the parties to advance arguments on the application and decision thereon be taken by the trial court on merits taking into account relevant aspects uninfluenced by observations of this court herein above. Rule is made absolute in aforesaid terms with no order as to costs. Writ petition stands disposed of accordingly.

[SUNIL P. DESHMUKH, J.]