

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

APPEAL FROM ORDER NO. 78 OF 2015

Venkat s/o Hanmant Kandangire
and others

APPELLANTS

V E R S U S

Nandabai w/o Gangadhar Kandangire
and others

RESPONDENTS

Mr. Jayant R. Patil, Advocate for Appellants

Mr. V.D. Gunale, Advocate for Respondent Nos.1 to 3

CORAM : A.M. BADAR, J.

DATE : 3rd DECEMBER, 2015

PER COURT :

1. Heard the learned counsels appearing for the parties and perused the impugned order.

2. In suit, temporary injunction was operating against the present appellants – original defendants. The suit was dismissed after trial. The

decree is carried in appeal by original plaintiffs. They preferred application for temporary injunction at Exhibit-12. After hearing both the parties, the learned District Judge-1, Ahmedpur was pleased to allow the application. The relevant consideration which weighed was operation of temporary injunction order during pendency of the suit. The subject matter so far as this appeal is considered is amount of compensation in respect of Gat No.254 acquired by the State. Plaintiffs claimed 1/3rd amount in the said compensation. The injunction application before the Appellate Court was to the effect that defendants be restrained from withdrawing 1/3rd amount from the total amount of compensation. The learned Appellate Court considering the relevant aspects has by the impugned order restrained the original defendants from withdrawal of the amount of compensation only to the extent of 1/3rd amount. The approach adopted by the learned Appellate Court in deciding the application for injunction is equitable.

3. The appeal is devoid of merit and hence same is dismissed.
4. The learned Appellate Court is requested to expedite the hearing of the Appeal.

In view of disposal of the Appeal from Order No. 78 of 2015,
Civil Application No. 11395 of 2015 stands disposed of.

(A.M. BADAR)
JUDGE

srm/03/12/15