

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.2052 OF 2015

Narayan Khashba Ghorpade and another .. Petitioners

Versus

Sudam Pandharinath Ghorpade and another .. Respondents

Shri. N. N. Wadikar i/by Shri. Nandu V. Pawar, for the Petitioners.

CORAM : R.M. SAVANT, J.

DATE : 27th FEBRUARY, 2015

PC.

1. There is concurrent finding recorded against the Petitioners as regards their entitlement to the discretionary relief of mandatory injunctions/order in their favour. Both the Courts below on the basis of the material available on record have come to a conclusion that the relief sought by the Plaintiff in respect of the restoration of the Bandh which has been allegedly excavated cannot be granted. The reasons why the Courts below have not deemed it appropriate to grant mandatory order which has been sought by the Petitioners/Plaintiffs find a place in the orders passed by the Courts below. In my view, in the light of the concurrent orders passed by the Courts below, no case for interference in the Writ Jurisdiction of this Court is made out. The Writ Petition is accordingly dismissed. However, since the Lower Appellate Court has expedited the

suit in question and directed it to be disposed of within five months of its order, the Trial Court may endeavour to do so within the stipulated time and no unnecessary adjournments be granted to the parties.

[R.M. SAVANT, J]