

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.11265 OF 2013**

Nanasaheb Arjun Kale & Ors.

..Petitioners

Vs.

Kautik Damodar Shirsath & Ors.

..Respondents

Mr. Tushar Sonawane for the Petitioners

CORAM : R. M. SAVANT, J.

DATE : 6th JANUARY, 2015

P.C.

1 There is a concurrent finding recorded against the Petitioners and in favour of the Respondents who are the original Defendants. Both the Courts below on the basis of the material on record that is the orders passed by the Tahsildar under Section 5 of the Mamletdar Courts Act and thereafter confirmed by the order passed by the Sub Divisional Officer in the Appeal filed by the Petitioners under Section 23 of the said Act, have come to a conclusion that it is the Plaintiffs who have obstructed the road in question which is being used by the Defendants and are therefore not entitled for the exercise of discretion.

2 In view of the concurrent orders passed by the Courts below as also having regard to the fact that the Courts below whilst doing so have taken into consideration the orders passed by the Tahsildar as confirmed by the Sub Divisional Officer in Appeal, no case for interference in the Writ Jurisdiction of this Court is made out. The Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]