

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6038 OF 2014**

M/s. T S Wind Power Developers : Petitioner
versus
Maruti Wind Park Developers
Through its authorized representative
Mahesh Vasantrao Jagdale & ors. : Respondents.

Mr P P Kulkarni for the Petitioner.
Mr. Sandesh Deshpande for the Respondent Nos.1 and 2.

CORAM : R. M. SAVANT, J.
DATE : 23rd September 2015

P.C.

1 There is a concurrent finding recorded against the Petitioner and in favour of the Respondents as regards the grant of the temporary injunction. Both the Courts below have on the basis of the material on record have refused to exercise discretion in favour of the Petitioner i.e. the original Plaintiff. It is required to be noted that the Respondents herein have initiated the installation of the wind mills and have spent a substantial amount. The said fact has been taken into consideration by both the Courts below. In the light of the concurrent finding recorded by both the Courts below against the Petitioner, no case for interference in the writ jurisdiction of this Court is made out. The above Writ Petition is accordingly dismissed. Needless to state that the suit in question would be tried on its own merits and in accordance with law uninfluenced by the observations, if any, made in the impugned orders.

[R.M.SAVANT, J]

Certified to be true and correct copy of the original signed Order.