

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 1978 OF 2015.

(MOHAMMAD JAVED SIDDIQUI & 3 OTH..VS..HARAISH GOPALDAS JESWANI.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : JUNE 30, 2015.

Heard Mr.Shantanu Khedkar, the learned advocate for the petitioners and Mr. A.A. Naik, the learned advocate for the respondent.

The petitioners/ plaintiffs have filed this petition challenging the orders passed by the subordinate Courts rejecting the claim of the petitioners for grant of temporary injunction restraining the respondent/ defendant from undertaking construction on the suit property.

Mr. Shantanu Khedkar, the learned advocate for the petitioners has submitted that this Court while issuing notice to the respondent, by the order dated 8th April, 2015 has observed that if any construction is made on the suit property it shall be subject to the result of the petition and he states on instructions that the petitioners will be satisfied if this order is continued.

Mr. Naik, the learned advocate for the respondent opposed the prayer made on behalf of the petitioners.

However, the challenge on behalf of the petitioners is that the respondent is illegally undertaking the construction over the suit plot and therefore, it goes without saying that the construction undertaken by the respondent would be subject to the final decision of the civil suit.

With these observations, the petition is disposed of. However, considering the fact that the petitioner has not removed the office objections, it is directed that the petitioners shall pay costs of Rs.Five Thousand to the respondent and produce receipt on the record of the civil suit within four weeks, failing which the learned trial Judge shall pass appropriate orders in the matter.

JUDGE

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