

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

WRIT PETITION NO. 3091 OF 2016

Asif Mohd. Shabbir and others ... Petitioners

Versus

Jalgaon Municipal Corporation, Jalgaon
and another ... Respondents

.....
Mr. Vijay B. Patil, Advocate for petitioners
Mr. V. D. Gunale, Advocate for respondents
.....

CORAM : SUNIL P. DESHMUKH, J.

DATE : 21st MARCH, 2016

ORDER :

1. Heard learned counsel for the parties.
2. The position emerges that application Exhibit-6 for temporary injunction filed by present petitioners in Regular Civil Suit No. 66 of 2016 is pending for adjudication before the trial court (Civil Judge, Senior Division, Jalgaon). In the meanwhile, petitioners apprehended threat and as such, application Exhibit-14 had been moved for interim relief and that came to be rejected under order dated 8th March, 2016.

3. Learned counsel Mr. V. B. Patil appearing on behalf of petitioners has earnestly contended that petitioners are in possession for a long time and all their livelihood is dependent on their earning.

4. Learned counsel Mr. Gunale who appears for respondents, however, submits that the apprehension on behalf of petitioners may not be correct, and the petitioners may not in possession of suit property.

5. Having regard to the nature of dispute that is involved in the suit and at the stage of interim injunction, in my estimate it would be expedient that in the circumstances the application for temporary injunction at Exhibit-6 be proceeded with as early as possible.

6. Exhibit-6 be proceeded with and decided as early as possible preferably within a period of six weeks from the date of receipt of writ of this order.

7. In the meanwhile, parties to maintain status-quo as on the date.

8. It is being made explicit that aforesaid observations are in view of the submissions as are advanced on behalf of respective parties and these are not the observations by the court on merits and in any case this order shall not influence decision on Exhibit-6 by trial court or even while deciding the suit.

9. Writ petition, as such, stands disposed of.

10. Parties to act upon authenticated copy.

(SUNIL P. DESHMUKH, J.)

sms