

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

WRIT PETITION NO. 3642 OF 2016

Ramesh s/o Sakharam Shinde and another ...Petitioners

Versus

Bhupendra s/o Gajanan Shinde and another ...Respondents

.....
Mr. L. V. Sangeet, Advocate for petitioners
Mr. M. M. Bhokariker, Advocate for respondent No.1-caveator.
.....

CORAM : SUNIL P. DESHMUKH, J.

DATE : 2nd APRIL, 2016

ORDER :

1. Having heard the learned counsel for quite some time, it appears that the impugned judgment and order by District Judge-3, Jalgaon dated 3rd March, 2016 on Exhibit-43 in Miscellaneous Civil Appeal No. 59 of 2015, setting aside the orders dated 23rd February, 2015 on Exhibit-6 and 7th July, 2015 on Exhibit-35 respectively, in Regular Civil Suit No. 36 of 2015 pending before Civil Judge, Junior Division, Jalgaon is clear with specific permission to defendant No.1 to fix the

window towards south-east side of wall. Impugned order indicates that injunction orders although have been set aside with specific direction permitting defendant No.1 to fix window only on south-east side wall. No further advantage can be said to have been enured to defendant No.1 by setting aside injunction orders over and above the permission as referred to in the impugned order. The let up from setting aside injunction orders is only to the extent as referred to in order.

2. Looking at the nature of dispute it appears to be expedient that the suit itself be proceeded with as early as possible and decided expeditiously preferably within a period of six months from the date of receipt of writ of this order.

3. With these observations, writ petition stands disposed of.

(SUNIL P. DESHMUKH, J.)

sms