

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1630 OF 2012

Vishnu Bhimrao Gudulkar and ors. .. Petitioners
Vs.
State of Maharashtra and ors. .. Respondents

Mr.PD.Dalvi, for the Petitioners.
Mr.A.R.Motkari, AGP for Respondents No. 1 & 2.

CORAM : M.S.KARNIK, JJ.
DATE : 20th AUGUST, 2016

P.C. :

. The petitioners have challenged the judgment and order dated 15/12/2011 passed by the learned District Judge – 1, Gadhinglaj in Misc. Civil Appeal No. 1 of 2011 thereby allowing the Appeal filed by respondent – State. The Suit is of the year 2010 and the present Petition had come up for admission on 22/03/2012. Following order was passed on 12/11/2013.

“Rule. Learned Advocate Mr.Rayrikar waives service on behalf of respondent nos. 1 and 2.

Notice be issued to respondent no.3 pending disposal of this petition.

There will be interim relief in terms of prayer clause (b).”

2. Prayer clause (b) reads thus :

“pending the hearing and final disposal of this Writ Petition, this Honourable Court be pleased to Respondent Nos. 1 and 2 i.e. Org. Defendants their agents, servants or any other person on their behalf be restrained by an order of injunction from constructing the road through the lands of the Petitioners/Plaintiffs more described in the Plaint.”

3. By consent of the parties as also in view of passage of time, the interest of justice would be served by passing following order.

I) Interim relief granted by this Court in terms of prayer clause (b) will continue to operate during the pendency of the Regular Civil Suit No. 3 of 2010 pending before the Civil Judge, Senior Division, Gadhinglaj.

II) Learned trial Judge is requested to decide the Regular Civil Suit No. 3 of 2010 as expeditiously as possible and in any event, within a period of one year from the date of receipt of this order.

III) Parties to bear their own costs.

4. Writ Petition is disposed of in the above terms.

(M.S.KARNIK, J.)