IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2620 OF 2016

Manohar Bhikaji Sutar and others … Petitioners
Vs.
Joseph Chettigukunel @ Jojo Augustin and others … Respondents

Mr. S. S. Redekar for Petitioners.
Mr. G. H. Keluskar for Respondents No.1 to 6.

CORAM : R. G. KETKAR, J.
DATE : DECEMBER 15, 2016

P.C. :

Not on Board. At the request of the learned Counsel for the parties, taken up for admission.

2. Heard Mr. Redekar, learned Counsel for petitioners and Mr. Keluskar, learned Counsel for respondents No.1 to 6.

3. By this Petition under Article 227 of the Constitution of India, petitioners have challenged the judgment and order dated 22.02.2016 passed by the learned Principal District Judge, Sindhudurg-Oras below exhibit-27 in Civil Miscellaneous Appeal No.56 of 2015. By that order, the learned Principal District Judge rejected the application made by the petitioners, hereinafter referred to as 'plaintiffs', for directing respondents No.1 to 6 to maintain status-quo.

4. By order dated 02.03.2016, notice was issued to respondents No.1 to 6 for final disposal of the Petition. Respondents No.1 to 6 were restrained from felling / cutting trees situate in Survey No.67/A, Hissa No.1 admeasuring 26 Hectares 51 Ares and Survey No.69/A, Hissa No.1 admeasuring 13 Hectares 4 Ares situate at Mouje Konalkatta, Taluka-

Dodamarg, District-Sindhudurg.

5. Mr. Keluskar, upon taking instructions from respondents No.1 to 6, makes a statement that respondents No.1 to 6 shall not fell / cut trees situate in Survey No.67/A, Hissa No.1 admeasuring 26 Hectares 51 Ares and Survey No.69/A, Hissa No.1 admeasuring 13 Hectares 4 Ares situate at Mouje Konalkatta, Taluka-Dodamarg, District-Sindhudurg, during the pendency of Civil Miscellaneous Appeal No.56 of 2015 and for a period of 4 weeks in case the Appeal is decided against the petitioners. Statements made by Mr. Keluskar, on instructions, is accepted in the form of undertaking to this Court.

6. In view thereof, Petition is allowed in terms of the statement made by respondents No.1 to 6. The appellate Court will decide the Civil Miscellaneous Appeal on its own merits and in accordance with law. Liberty is reserved to the petitioners to file appropriate application. Order accordingly.

(R. G. KETKAR, J.)

Minal Parab