

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 7214 OF 2015

Prakash Gangadhar Pingale & ors. ... Petitioners
v/s
Rajendra Murlidhar Pingale & anr. ... Respondents

***WITH
WRIT PETITION NO. 8035 OF 2016***

Rajendra Murlidhar Pingale & anr. ... Petitioners
v/s
Prakash Gangadhar Pingale & ors. ... Respondents

Mr.Sandip Shinde along with Ms.Kinnari Hingol for the petitioner in W.P.No.7214 of 2015 and respondent in W.P.No.8035 of 2016.

Mr.Shriram Kulkarni for the petitioner in W.P.No.8035 of 2016 and respondent Nos.1 and 2 in W.P.No.7214 of 2015.

Coram: N.M. Jamdar, J.

Dated: 1 SEPTEMBER 2016

P.C.:

Learned counsel for the parties state that, in the factual circumstances it will be appropriate that the suit itself is decided on merits, and seek leave to withdraw their respective petitions challenging the common order passed by the learned District Judge.

2 Both writ petitions are accordingly disposed of as withdrawn.

3 It is clarified that the observations made in the impugned order are *prima facie* and the suit will be decided on its own merits. The learned Trial Judge has already been directed by the learned District Judge to take up the suit for disposal expeditiously. The learned Civil Judge will do so accordingly.

4 The consequence of the withdrawal of the petitions, the following shall be the interim arrangement till the disposal of the suit. The Defendants are hereby restrained by an interim order of temporary injunction from digging a well on the road by the northern side boundary of Survey No.20/2A and from obstructing the Plaintiffs from using the said road in any manner either themselves or through agents, servants, etc., till the decision of the suit.

(N. M. Jamdar, J.)