

Sequeira

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

WRIT PETITION NO. 8940 OF 2016

Shri Baban Vithoba Bhidwe

.. Petitioner

Vs.

Shri Dnyanoba Ramchandra
Medankar & others.

.. Respondents

Mr.Pramod J.Pawar, for the Petitioner.

***CORAM : N.M.Jamdar, J.
Tuesday, 30 August 2016.***

P.C. :

The Petitioner challenges the orders passed by the learned Civil Judge Junior Division, Khed and District Judge Khed, rejecting the Application and Appeal filed by the Petitioner for temporary injunction.

2. By way of temporary injunction, the Petitioner has sought an order of demolition of the house property of the Respondents. Both the Courts have considered the prima facie case and found that the Petitioner did not show that he had prima facie case in his favour. Both the Courts prima facie found that the construction could not be said to be patently illegal so as to warrant its demolition even before the suit is tried on merits. This approach adopted by both the Courts looking at the nature of the directions sought cannot be stated to be

perverse. Writ petition therefore, cannot be entertained.

3. The learned counsel for the Petitioner submits that the suit be expedited. It is open to the Petitioner to make this request to the learned Civil Judge who will consider the same depending on the work load and time schedule. Writ petition is accordingly disposed of.

(N.M.Jamdar, J.)