

JPP

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

SECOND APPEAL NO. 835 OF 2015

Mr. Balkrishna Savalaram Dhikale. ...Appellant.

V/s.

Mr. Ganesh Jagannath Dhikale and Ors. ... Respondents.

Mr. Anilkumar Patil for the Appellant.
None for the Respondents.

CORAM : N.M. Jamdar, J.

27 June, 2016.

P.C. :-

Heard the learned Counsel for the Appellant. The Appellant challenges the concurrent judgment and orders passed by the Civil Judge, Junior Division, Nasik dated 31 January 2009 and 21 August 2013, passed by the District Judge, Nasik. The learned Civil Judge dismissed the Suit filed by the Appellant and decreed the counter-claim of the Respondents. The learned District Judge has confirmed this order by dismissing the Appeal.

2. The Suit was filed by the Appellant seeking an order of injunction to restrain the Respondents from obstructing the Suit way in question. In this Suit the Respondents filed the counter-claim and sought an order of injunction against the Appellant. Both the Courts took note of the stand of the Appellant that the Appellant himself created obstruction by erecting an angle of the grape garden on the eastern side of the property and therefore, the road was reduced. Both the Courts took note of this stand of the Appellant and also the report of the Court Commissioner.

3. In view of this position, no error can be found in the decision of both the Courts. No question of law arises. The Second Appeal is dismissed.

(N.M. Jamdar, J.)