

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

Writ Petition No. 2826 of 2015

[Smt. Radhabai wd/o Bhaurao Shejole Vs. Secretary, Gram Panchayat,
Gaulkhed, Tq. Shegaon, Distt. Buldhana and anr.]

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

Shri S. V. Sohoni, Advocate for the petitioner
Shri P. S. Kshirsagar, Advocate for the respondent no. 2

CORAM : Prasanna B. Varale, J.

DATE : 1-2-2016.

Heard learned counsel for the parties.

A limited controversy is involved in the present petition. The petitioner has filed Regular Civil Suit No. 20/2015 in the Court of Civil Judge Junior Division, Shegaon for declaration and permanent injunction against the respondents and also filed an application seeking temporary injunction. From the perusal of the documents, it seems that initially ad-interim order was passed in favour of the petitioner and subsequently, by order dated 7-5-2015, the prayer for extension of interim order passed in favour of the petitioner was vacated. Subsequently, the petitioner filed an application seeking restoration of ad-interim order and learned Civil Judge Junior Division rejected the said

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application.

Shri Sohoni, learned counsel by inviting my attention to the copy of roznama placed on record submitted that the application seeking temporary injunction is pending before the Court below as it reveals from the roznama, Entry 47, that the case for W.S. and hearing Exhibit 6 is posted on 25-5-2015.

Both the learned counsel appearing for the parties submit that instead of raising dispute against the interim order, keeping the application pending, it would be in the interest of the parties if the directions are given to the Court below to decide the application within the time frame. The learned counsel appearing for the parties further invited my attention to the order passed by this Court dated 12-5-2015 and submitted that by an interim order, this Court restrained the respondents from undertaking any construction which may block the approach way of the petitioner as pointed out in the plaint map filed at page no. 20 of the petition. Learned counsel for the parties submit that if this interim order is continued till the application is

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decided by the Court below, no prejudice would be caused to either of the parties.

In view of the above referred facts, in my opinion, petition can be disposed of by issuing directions to the learned Civil Judge Junior Division, Shegaon to decide the application of the petitioner/plaintiff as early as possible and preferably within four weeks from today. Needless to state that by giving an opportunity of hearing to the parties to the suit, the interim order passed by this Court dated 12-5-2015 to continue till the decision of the application as directed by this Court.

The writ petition is disposed of in above terms.

JUDGE

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