

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5119 OF 2014

Manoj s/o Sudhakar Kathe = **PETITIONER**

VERSUS

Balasaheb Shankar Khandagale
and others = **RESPONDENTS**

Mr. Amol S. Gandhi, Advocate for Petitioner;

Mr. Rahul R. Karpe, Advocate for Respondent No.1.

CORAM : **SUNIL P.DESHMUKH, J.**

DATE : **18th December, 2017.**

PER COURT :

1. Heard learned Counsel for the parties.
2. Petitioner's suit for recovery of possession against present respondents bearing Regular Civil Suit no. 176 of 2010 had been dismissed by 3rd Jt. Civil Judge, Junior Division, Shrirampur under judgment and order dated 21.9.2013 and Regular Civil Appeal therefrom bearing No. 64 of 2013 is pending before the Appellate Court.
3. Petitioner - appellant had filed an application at Exhibit-13 in appeal, for temporary injunction in view of the

subsequent developments having taken place. Said application for temporary injunction had been rejected by Appellate Court under order dated 26.5.2014 and as such present writ petition is filed.

4. Mr.Gandhi, learned Counsel appearing for the petitioner, submits that there have been further developments. An application for appointment of Court Commissioner had been granted by the Appellate Court and Commission accordingly has taken place, and in the circumstances, seeks liberty to apply again with reference to the Commissioner's report.

5. It is for the petitioner, to make appropriate application, if he feels that in view of the subsequent developments proper application can be made.

6. Perusal of paras 13 and 14 of impugned order shows that it does not appear that, at this stage, case can be said to have been made out for interference with the impugned order.

7. In the circumstances, writ petition is rejected.

(SUNIL P.DESHMUKH)
JUDGE

bdv/