

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 5384 OF 2015

Vinayak Ganpati Kokate and Another ..PETITIONERS

VERSUS

State of Maharashtra and Others ..RESPONDENTS

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Mr. N.L. Jadhav, Advocate for petitioners.

Mr. S.R. Yadav (Lonikar), A.G.P. for respondent- State.

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**CORAM : M.S. SANKLECHA, J.
DATED : 18th APRIL, 2017**

ORDER :

1. This petition under Article 227 of the Constitution of India challenges the order dated 12th August, 2014 passed by the District Judge, Latur. By the impugned order, petitioner's application for interim relief was partly allowed.

2. The petitioner has filed the suit for injunction restraining the defendants from using the path way in his possession in excess of 8 Ft. 3 Inches. The Trial Court by order dated 31st January, 2014 rejected the petitioner's application for temporary injunction. In appeal against the order rejecting the application for temporary injunction, the petitioner's

appeal was partly allowed by the impugned order in having restricted the user of the path way to only 8 Ft. 3 Inches and defendants were restricted from interfering with any area in excess of the above. The impugned order passed by the Appellate Court is a well reasoned order and is in proper exercise of jurisdiction on consideration of submissions made by the parties. This order is an interim order and the rights of the parties would be finally decided in the pending Suit No. 216 of 2013 before the Joint Civil Judge, Latur.

3. In the above view, no occasion arises to interfere with the impugned order under Article 227 of the Constitution of India. Accordingly, petition is dismissed. No order as to costs.

(M.S. SANKLECHA, J.)

SSD