

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

APPEAL FROM ORDER NO.8 OF 2017
WITH
CIVIL APPLICATION NO. 7 OF 2017

Haribhau Balaji Tajane

..Appellant

Versus

State of Maharashtra through
Collector, Washim and ors.

..Respondents

Mr R.N. Ghuge, Advocate for appellant
Mrs M.S. Naik, A.G.P. for respondents no.1 and 2
Mr V.B. Gawali, Advocate for respondent no.3

CORAM : N.W. SAMBRE, J.

DATE : 18th April 2017

PER COURT

Heard.

2. Learned District Judge-3, Washim in Regular Civil Appeal No.47 of 2014 vide order dated 1st December 2016 passed below Exh.5 rejected the application for grant of injunction.

3. On 15th October 2015, the said Court passed ad interim order and restrained the present respondent no.3 from creating any way through the land Gut No.61 of the appellant-plaintiff from the eastern side running north-south. The said order was in operation till the decision of application.

4. The suit in question, which was filed by the present appellant was for declaration and permanent injunction.

5. Even though the suit was dismissed on merit, the least that was expected of learned District Judge while dealing with the application

for injunction to consider and decide the same by recording cogent reasons either for allowing or rejection thereof.

6. What could be gathered from the order impugned is, the learned District Judge has passed the order impugned in most cryptic manner.

7. In my opinion, the order which lacks reasons is not sustainable and as such, same is quashed and set aside. Let there be injunction restraining the respondent no.3 from creating way through the land Gut No.61 of the appellant from the eastern side running south-north till the decision of the appeal.

8. The hearing of the appeal is expedited and be decided within a period of six months from today.

9. With above observations, Appeal from Order stands disposed of.

10. In view of disposal of Appeal from Order, Civil Application No. 7 of 2017 also stands disposed of.

(N.W. SAMBRE, J.)

vvr