

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

WRIT PETITION NO.4427 OF 2016

(Vakil Ahmad Khan s/o Ismail Khan Pathan ..vs.. Municipal Council, Arvi, through its Chief Officer,
Wardha and another)

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

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATED : 28-02-2017

On 16-02-2017 the matter was adjourned on the request made on behalf of the petitioner. Today none appears for the petitioner.

The petitioner has challenged the judgment passed by the District Court dismissing the appeal filed by him under Order XLIII Rule 1(r) of the Code of Civil Procedure and maintaining the order passed by the trial Court rejecting the application filed by the petitioner under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure. The subordinate Courts have concurrently rejected the claim of the petitioner for grant of temporary injunction restraining the municipal council from demolishing the suit shop. In paragraph No.19 of the judgment, the learned District Judge has recorded that the Municipal Council has provided an alternative site to the plaintiff for carrying on the business of selling mutton. The plaintiff has not been able to point out any patent illegality or perversity in the impugned order

which necessitates interference by this Court in the extra-ordinary jurisdiction.

The writ petition is dismissed. No costs.

JUDGE

adgokar