

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

WRIT PETITION NO. 11509 OF 2018

**VISHWANATH SANBA PARATWAGH AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for the Petitioners : Smt. M. A. Kulkarni
AGP for State /Respondent Nos. 1 and 2 : Shri P. M. Kulkarni

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 17th OCTOBER, 2018.

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PER COURT :

1. The petitioners are the original plaintiffs, who are aggrieved by the interlocutory order dated 25/06/2018 passed by the Appellate Court in Regular Civil Appeal No. 12/2017. These petitioners have been refused temporary injunction by the Appellate Court.

2. The learned Advocate for the petitioners has strenuously criticized the impugned order and has vehemently canvassed the 7 (seven) grounds formulated in the memo of the petition.

3. I find that Regular Civil Suit No. 107/2015 filed by these petitioners has been dismissed by judgment dated 17/01/2017. The Appeal has been preferred by the

appellants. Application Exhibit 15 praying for temporary injunction is filed on 13/06/2018. The Appellate Court considered the judgment under challenge and the factors emerging from the record and *prima facie* declined to grant injunction on the *prima facie* appreciation that these petitioners have encroached in gut No.43, have cut down the trees of the Forest Department and have cultivated crops in the Forest Department.

4. Considering the above and for the reasons assigned by the Appellate Court, I do not find that the impugned order could be termed as being perverse or erroneous. This petition being devoid of merit is, therefore, dismissed.

5. Considering that the Appeal has been lodged in 2017, the Appellate Court would endeavour to decide the said Appeal as expeditiously as possible and preferably on or before 30/06/2019.

(RAVINDRA V. GHUGE, J.)

shp/-