

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.11499 OF 2017
(Balaji s/o Ganpatrao Sampatwar Vs. Bandigisab s/o Dulesab Shikh)

Mr.P.P.Mandlik, Advocate for the petitioner.
Mr.H.H.Padalkar, Advocate for the sole respondent.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 19/07/2018

PER COURT :

1. This matter was heard for some time. Though this Court had allowed the AO No.31/2016 filed by this petitioner on 28/06/2016 and granted injunction in his favour till the disposal of the RCA No.2/2016, the petitioner had to file an FIR No.91/2016 dated 21/07/2016 for the reason that the respondent and his accomplices allegedly assaulted him.

2. Learned Advocate for the respondent was therefore called upon to state whether he undertakes to ensure that there shall not be any disturbance to the petitioner during this agricultural season and there shall be no occasion for the petitioner to lodge another FIR. Learned Advocate has taken instructions from the respondent present in the Court and has stated that this respondent has never

assaulted the petitioner, has never disturbed him and would ensure that there is no interference in the agricultural activities of the petitioner. It is prayed that the appeal be decided expeditiously.

3. Considering the above, this petition is disposed of by recording the statement of the respondent herein and further directions are issued as under :-

[a] Both the litigating sides shall enter their written notes of arguments before the Appellate Court in RCA No.2/2016 on or before 06/08/2018, After the tendering of such written notes of arguments alongwith case law, if any, the Appellate Court shall decide RCA No.2/2016 as expeditiously as possible and in any case on or before 15/09/2018.

[b] Both the litigating sides would maintain peace and would not cause any interference in their respective agricultural activities.

[c] In the event of any incident, which would compel the petitioner to file an FIR against the respondents, the Station House Officer of Police Station, Naigaon shall forthwith grant the police protection after verifying the complaint so as to ensure that both the litigating sides peacefully carry out their agricultural activities.

[d] This order / direction would lose its efficacy after the Appellate Court decides the appeal, as directed above.

(Ravindra V.Ghuge, J.)