

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

WRIT PETITION NO. 12541 OF 2018

Gajanan Shankarrao Dhumal ... Petitioners

Versus

Afsar Alii Bedemiya Patel and others ... Respondents

Mr. G.G. Deshpande, Advocate for petitioner

Coram : N.M. Jamdar, J.

Date : 19 November 2018.

ORAL ORDER:

1. Heard learned counsel for the petitioner.
2. The petitioner/plaintiff in the suit instituted by him had sought relief of temporary injunction and also interim mandatory injunction. The relief of temporary injunction was granted to the petitioner. The petitioner thereafter filed an application below Exhibit No. 33 for review on the ground that the learned Civil Judge has not considered the prayer for mandatory injunction.

3. In this application, the learned Civil Judge looked into the grievance of the petitioner regarding non-grant of mandatory injunction and has found that the petitioner is not entitled to the interim mandatory injunction. Thus, even though the order is stated to have been passed under review application, it is rejection of the application for mandatory injunction. That being the position, the petitioner has remedy of filing an appeal to challenge the impugned order.

4. The writ petition is accordingly disposed of.

N.M. Jamdar, J.