

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition (ST) NO. 16186 OF 2016

Kirti Saw Mill

...Petitioners

Versus

The State Of Maharashtra
and others

...Respondents

....

Mr. Sagar Joshi, Advocate for the Petitioner.

Ms. Vaishali Nimbalkar, AGP, for the Respondents No.1 & 2-State.

....

CORAM : R. G. KETKAR, J.

DATE : 19th JULY, 2018

P.C.

1. Heard Mr.Sagar Joshi, learned counsel for the petitioners and Ms.Vaishali Nimbalkar, learned AGP for the respondents No.1 & 2-State, at length.

2. By this Petition under Article 227 of the Constitution of India, the petitioners, hereinafter referred to as the 'plaintiffs', have challenged the judgment and order dated 29.9.2010 passed by the learned Civil Judge, Senior Division, Pandharpur below Exhibit-5 in Regular Civil Suit No.16/2010 as also the judgment and order dated 26.4.2016 passed by the learned District Judge-2, Pandharpur in Civil Misc. Appeal No.98/2010. By these orders, the Courts below rejected application

Exhibit-5 taken out by the plaintiffs for temporary injunction.

3. It is not in dispute that the plaintiffs were having licence to operate saw mill for cutting or converting of timber at Pandharpur. The licence was in force from 1.1.2009 to 31.12.2009. It is not in dispute that at the time of instituting the suit in the year 2010, the licence was not renewed. In view thereof as also for the reasons recorded by the Courts below, I do not find that the Courts below committed any error in rejecting the application for temporary injunction. Hence, Petition fails and the same is dismissed.

(R. G. KETKAR, J.)

Deshmane (PS)