

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10066 OF 2019

HARIRAM ALIAS HARIBHAU DEOSHBHAI PATEL
VERSUS
RATNADEEP SIDRAMAPPA UTGE AND OTHERS

Mr.A.N.Sabnis h/f Mr.V.D.Gunale, Advocate for the petitioner.
Mr.S.W.Munde, AGP for respondent Nos. 3 and 4.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 30/08/2019

PER COURT :

1. I have considered the strenuous submissions of the learned Advocate for the petitioner on 13/08/2019 and today. I have perused the impugned order dated 11/04/2019 passed by the Trial Court below application Exh.19 in Spl.C.S.No.122/2018.

2. The contention of the petitioner/respondent No.1 is that as Writ Petition No.3053/2018 has been filed before this Court and protective orders have been passed restraining the parties from withdrawing the compensation amount, it was contended vide Exh.19 that the pending application for temporary injunction Exh.5 filed by the plaintiff would not be tenable.

3. I find that this submission of the petitioner could be canvassed before the Trial Court when it takes up Exh.5 for adjudication. All the contentions and objections raised by the petitioner and the litigating sides would be considered by the Trial Court. The impugned order does not appear to be perverse or erroneous.

4. In view of the above, this petition is dismissed. It is, however, made clear that the Trial Court would decide application Exh.5 by taking into account all the contentions and objections of the litigating sides including the grounds raised by the petitioner as regards the tenability of Exh.5.

(Ravindra V.Ghuge, J.)