

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

WRIT PETITION NO.14098 OF 2018

**BHIMRAO BAJIRAO AAGE AND ANOTHER
VERSUS
DROPADIBAI SAMPATI AAGE AND OTHERS**

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Advocate for the Petitioners : Shri H. B. Pawar
Advocate for Respondent No. 1 : Shri C. V. Thombre
AGP for Respondent Nos. 2 and 3 : Shri S. R. Yadav-Lonikar

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CORAM : RAVINDRA V. GHUGE, J.

DATED : 1st February, 2019.

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PER COURT :

1. Heard. I have perused the impugned order of the Trial Court dated 11/07/2018, by which, the application for temporary injunction in RCS No. 110/2018, has been rejected. I have also gone through the judgment of the Appellate Court dated 29/11/2018, by which, Misc. Civil Appeal No. 57/2018 filed by the plaintiffs, has been rejected.

2. Since the suit is filed in 2018 and the acquiring body is yet to file its written statement as per the contentions of the plaintiffs, I am not making any observations about the rival contentions of the litigating sides, though I find that a well

reasoned exhaustive order has been passed by the Appellate Court *Prima facie*, concluding that the portion of the land acquired for a public project, does not belong to the plaintiffs.

3. Considering the above, this petition is disposed off with a direction to the acquiring body respondent No. 2 herein, to file its written statement on or before 15/03/2019 before the Trial Court, if not already filed and in the event the Trial Court has yet not passed a "No W.S." order.

4. Needless to state, the Trial Court would decide the suit on its own merits and shall not be influenced by its observations appearing in the impugned order dated 11/07/2018 and the observations of the Appellate Court appearing in its judgment dated 29/11/2018.

(RAVINDRA V. GHUGE, J.)

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