

Versus

Dhanaji Anant Mohite & Ors. .. Respondents

Ms. Rati S. Sinhasane I/b Mr. U.R. Mankapure for respondent
Nos.1 to 3.

DATE : 16 JANUARY 2019.

P.C:-

Heard learned Counsel for the parties.

2. By this writ petition under Article 227 of the Constitution of India petitioner/original defendant is challenging the concurrent finding of fact recorded by both the Courts below at the time of granting injunction order against them. Respondent/original plaintiff filed Regular Civil Suit No. 301 of 2015 for perpetual injunction. In that suit plaintiff preferred an application for interim relief which was granted against the petitioners. Petitioners preferred an appeal which stands dismissed by impugned judgment and order dated 29.09.2016

3. Considering the concurrent finding of fact recorded by Court below and as the suit is for simplicitor injunction, I am of the opinion that the suit is to be decided on its own merits without influencing the earlier orders passed by the Courts below. Hence, following order :

- a) Writ petition stands dismissed.
- b) Hearing of Regular Civil Suit No.301 of 2016 pending before Civil Judge, Junior Division, Karad is expedited.
- c) No order as to costs.

(K.K.TATED, J.)