

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Writ Petition No.4484 of 2018
Ashok Chunode & Others Vs. Kaushalya Bhujade (D) Through LRs

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mrs. S.W. Deshpande, Advocate for petitioners
Mr. K.P. Mahalle, Advocate for respondents

CORAM : MANISH PITALE, J.

DATED : NOVEMBER 13, 2019

By this writ petition the petitioners (original plaintiffs), have challenged order dated 04/05/2018, passed by the Court of Principal District Judge, Amravati, whereby Miscellaneous Civil Appeal filed by respondents (original defendants), has been allowed and application for temporary injunction (Exh.5), filed by the petitioners has been rejected. In the first instance, the Trial Court had allowed the application.

2. The controversy between the parties is that the petitioners claim that they have right of way through the fields of the respondents to approach their respective agricultural fields to carry out agricultural operations. It is claimed by the petitioners that the respondents have illegally blocked their way, giving them cause of action to approach the Trial Court. The application for temporary injunction (Exh.5) filed on behalf of the petitioners was allowed by the Trial Court

and the respondents were directed not to cause any obstruction to the petitioners using the said way till decision of the suit. By the impugned order the appeal filed by the respondents has been allowed and the application for temporary injunction (Exh.5) has been rejected.

3. Although various grounds of challenge have been raised in the writ petition, it appears that even as of today the petitioners are indeed cultivating their respective agricultural fields, though it is not clear that they are approaching their fields through any alternative way or the said way in the suit filed before the Trial Court.

4. In this backdrop, this Court is of the opinion that it would be in the interest of justice that the controversy between the parties is put to rest by disposal of the suit itself expeditiously. Therefore, the writ petition is disposed of with a direction to the Trial Court to dispose of the suit as expeditiously as possible and in any case within a period of six months from today. The Trial Court is directed not to be influenced by any observations made by the Appellate Court in the impugned order or this Court while disposing of the writ petition.

JUDGE