

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH NAGPUR

WRIT PETITION NO.6195/2019

Divesh S/o. Pravin Nathwani

..VS..

Jayprakash Devdutta Mishra (dead) & Oth.

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

Court's or Judge's orders

Shri M. A. Deo, Advocate for the petitioner

CORAM : Z.A.HAQ, J.

DATED : 9th September 2019

Heard.

2] By the impugned order, learned trial Judge has rejected the application (Exh.95) filed by the petitioners (Plaintiffs) praying that police aid be granted to enforce the order of temporary injunction granted by the trial Court against the respondents/defendants. By the order of temporary injunction, the defendants are restrained from undertaking any construction over the suit property/public road. The learned trial Judge has rejected the application (Exh.95) observing that the defendants have denied the allegations made by the plaintiffs. The learned trial Judge has observed that the plaintiffs may take recourse to Order 39 Rule 2A of the Code of Civil Procedure, if aggrieved, in the matter.

3] After going through the facts of the case and impugned order, I find that the learned trial judge has

not committed any error by rejecting the application (Exh. 95). The learned trial Judge has judiciously passed the impugned order reserving the right of the petitioners/ plaintiffs to take recourse to Order 39 Rule 2A of the Code of Civil Procedure. Hence, I see no reason to interfere with the impugned order in the extraordinary jurisdiction.

The petition is **dismissed**. No costs.

It is clarified that the petitioner will be at liberty to take recourse to appropriate proceedings as per law.

JUDGE

Namrata