

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

CAS NO.1066/2016 IN SA NO.680/2017
Tejram Govindaji Parshuramkar and ors
..VS..
Pundalik Nathuji Parshuramkar and ors

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

Court's or Judge's Order

.....
Shri Shashikant Borkar, Counsel for the
Applicants/Appellants.
Shri R.R.Rathod, Counsel for the Respondents.

CORAM : V.M.DESHPANDE, J.
DATED : JULY 17, 2019.

1. By this application, the applicants/appellants are claiming that the non-applicants/respondents should not obstruct them from approaching their house through a way, survey No.499.
2. Heard learned counsel Shri Shashikant Borkar for the applicants/appellants and learned counsel Shri R.R.Ratod for the respondents.
3. The applicants/appellants filed a suit for temporary injunction. The said civil suit was registered as Regular Civil Suit No.163/2006 and dismissed by the Trial Court. Against that, unsuccessful plaintiffs, the applicants/appellants, filed an appeal. The said appeal was registered as Regular Civil Appeal No.52/2009 and dismissed by Lower Appellate Court on 4.4.2016. Against that, the

present second appeal is filed and the said is admitted on 10.9.2018. However, for orders, the present civil application for grant of temporary injunction was kept after a period of 3 weeks.

4. There is no dispute before this Court while considering the application that when the suit for perpetual and temporary injunction was filed at the same time the applicants/appellants filed an application for temporary injunction. However, learned Judge of the Trial Court did not grant any injunction in favour of the applicants/appellants and even no appeal was preferred by the plaintiffs, the applicants/appellants.

5. After dismissal of the suit, during the pendency of Regular Civil Appeal No.52/2009, an application for temporary injunction was filed and the said was rejected by learned Judge of the Lower Appellate Court which was also not challenged by the applicants/appellants by preferring any proceeding before this Court.

6. Thus, throughout pendency of the cause filed by the applicants/appellants, there was no temporary injunction in their favour, Resultantly, I see no reason to grant temporary injunction for the first time. Hence, the civil application for grant of temporary injunction is rejected and disposed of as such.

JUDGE

!! BRW !!

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