

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

908 WRIT PETITION NO. 2326 OF 2009

BABAN MARUTI THANGE
VERSUS
APPA KISAN THANGE AND OTHERS

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None present

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CORAM : V. K. JADHAV, J.
DATED : 12th FEBRUARY, 2020

ORDER :-

1. None present for the parties.
2. The petitioner/original plaintiff instituted the suit bearing Regular Civil Suit No. 34 of 2007 for perpetual injunction in Civil Court, Parner. The petitioner is having permission from the Irrigation Department to lift water and despite the agreement, the respondents obstructed the petitioner from irrigating his field by lifting water out of the irrigation project through pipeline. The petitioner has also filed an application Exhibit 5. Respondent No.1 has also filed Regular Civil Suit No. 61 of 2007 alongwith T.I. application. The trial court, by common order, decided the applications filed by both, the petitioner and the respondent no.1, in their respective suits bearing Regular Civil Suit Nos. 34 of 2007 and 61 of 2007 seeking temporary injunction and allowed application Exhibit 5 in Regular Civil Suit No.

34 of 2007. So far as application Exhibit 5 in Regular Civil Suit No. 61 of 2007 is concerned, the same was partly allowed. Being aggrieved by the same, the respondents herein have preferred Misc. Civil Appeal Nos. 60 of 2008 and 61 of 2008 against the aforesaid common order. So far as Misc. Civil Appeal No. 60 of 2008 is concerned, that pertains to the order passed in Regular Civil Suit No. 61 of 2007, whereas, Misc. Civil Appeal No. 61 of 2008 pertains to the order passed in Regular Civil Suit No. 34 of 2007. Learned District Judge-4, Ahmednagar, by order dated 19.12.2008, allowed the Misc. Civil Appeal No. 60 of 2008 and set aside the order dated 25.04.2008 passed by the trial court below Exhibit 5 in Regular Civil Suit No. 61 of 2007. The learned District Judge-4, by order dated 19.12.2008, also allowed the Misc. Civil Appeal No. 61 of 2008 and set aside the order passed below Exhibit 5 in Regular Civil Suit No. 34 of 2007. As per office note, both the suits, i.e. Regular Civil Suit No. 34 of 2007 and Regular Civil Suit No. 61 of 2007 came to be disposed off during pendency of this Writ Petition. In view of the same, The Writ Petition has become infructuous and the same is disposed off. Rule Discharged.

(V. K. JADHAV, J.)

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