

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

79 WRIT PETITION NO.1945 OF 2020

PRAKASH GANGARAM DHAGE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Mr. Mohekar Ganesh V.
AGP for Respondents 1 to 3:Mr. A.S. Shinde
Advocate for Respondent No.4 :Mr. G.K. Naik (Thigale)
Advocate for Respondents :Mr. D.D.Deshmukh h/f Mr. M.S. Taur
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CORAM: ROHIT BABAN DEO, J.

Date: FEBRUARY 3RD, 2020
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PER COURT :-

1 The matter is argued at some length by the learned counsel for the petitioners, the learned counsel for the respondent – contractor and the learned AGP.

2 The learned counsel for the respondents are at pains to emphasis that even if the submission of the petitioner-plaintiff is accepted arguendo, all that the petitioners – plaintiffs may be entitled to would be the compensation and in this view of the matter, the injunction is rightly refused by the trial Court.

3 However, the order impugned is an interlocutory order whereby the Appellate Court before which the order of the Trial Court refusing the injunction was challenged, declined to protect the plaintiff and observed that the appeal shall be decided on

utmost priority.

4 Shri Thigale learned counsel for the contractor is right in his submission that the situation is urgent. In this view of the matter, the petition can be disposed of by directing the District Judge-1 at Biloli to decide the Miscellaneous Civil Appeal No.17/2019 within seven days of the appearance of the parties.

5 The parties are directed to appear before the Appellate Court on 7.2.2020.

6 No separate notice shall be necessary.

7 The petition is disposed of.

8 The parties shall maintain status-quo till the final decision in appeal.

(ROHIT BABAN DEO, J)

vbd