

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION 1692 OF 2022

Hanumant Damu Burungale	...	Petitioner
<i>Versus</i>		
Devidas Bapurao Burungale	...	Respondent

Mr. Rahul S. Kadam for the Petitioner.
Ms. Rekha Musale i/by Mr. Nitin L. Rajguru for the Respondent.

CORAM: ROHIT B. DEO, J.
DATE : 20th JUNE, 2022

P.C. :-

1. The petitioner is the original defendant in Regular Civil Suit 175 of 2020.

2. The plaintiff sought injunctive relief against the petitioner-defendant restraining him from approaching Sarathi-Karochi main road through field survey 63 owned by the plaintiff.

3. According to the plaintiff, the defendant is taking undue advantage of an adjudication under Section 5 of the Mamlatdar's Court Act (for short 'Act'), which adjudication is flawed for reasons more than one.

4. The learned Trial Judge held that the plaintiff has not made out *prima-facie* case for injunctive relief. The defendant challenged the

order in appeal and has succeeded in persuading the Appellate Court to issue an injunction, the effect of which is to virtually nullify the order of the Mamlatdar.

5. Considering that contentious factual issues are involved, other than few questions of law, to which I need not advert at this stage, it would be more appropriate if the suit is expedited since according to the defendant the injunction is causing havoc and he is prevented from approaching the main road supra. The plaintiff has a counter narrative and claims that there is indeed an alternate road available.

6. Considering the nature of the controversy and in view of the fact that such issues, more often than not, lead to serious untoward incidents, I request the learned Trial Judge to decide the pending suit within the next four months from the date of framing of issues.

7. No adjournment shall be granted once the evidence begins, unless an exceptional case is made out.

8. Petition is disposed of.

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[ROHIT B. DEO, J.]