

Digitally signed
by BIPIN
DHARMENDER
PRITHIANI
Date:
2022.07.14
10:53:03
+0530

BIPIN
DHARMENDER
PRITHIANI

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

WRIT PETITION 1151 OF 2020

Shri Murlidhar Vedu Deore and Ors. ... Petitioners
Versus
Shri Baliram Kashinath Deore and Ors. ... Respondents

Mr. G. R. Agrawal for the Petitioners.
Mr. S. S. Kulkarni for the Respondents 1 to 5.
Mr. A. P. Vanarse, AGP for the State-Respondents 7 to 8.

CORAM: ROHIT B. DEO, J.
DATE : 13th JULY, 2022

P.C. :-

. The petitioners are respondents 1 to 5 in Miscellaneous Civil Appeal 10 of 2018 which was preferred by the plaintiffs in Regular Civil Suit 538 of 2017 questioning the refusal of the Trial Court to grant injunctive reliefs.

2. The bone of contention is the right of way which is asserted by the respondents in Miscellaneous Civil Appeal through the land of the plaintiffs. It appears that prior to the institution of the suit the Mamlatdar has rendered an order under the provisions of the Mamlatdars' Courts Act, 1906 (for short 'Act') upholding the right of way.

3. Be that as it may, it is on the basis of the report submitted by the Court appointed Commissioner that the learned Appellate Judge has granted temporary injunction restraining the present petitioners from

ascertaining right of way on the basis of the order of the Mamlatdar.

4. The order of injunction is operating since 30th January, 2018. The plaintiffs have filed their affidavit in lieu of oral examination-in-chief. In this view of the matter, I see no reason why the rival contentions is required to be looked into in writ jurisdiction. It would be in the interest of both the parties if the suit itself is decided expeditiously.

5. While I am not interfering in writ jurisdiction, the learned Trial Judge is requested to decide Regular Civil Suit 538 of 2017 as expeditiously as possible and in any event within the next nine months.

6. It is made clear that I have not looked into the merits of rival contentions and all contentions are left open for the Trial Court to consider at an appropriate stage.

[ROHIT B. DEO, J.]